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UNITED STATES DEPARTMENT OF AGRICULTURE

IN RE: NATIONAL ORGANIC STANDARDS BOARD MEETING

Meeting held on the 3rd day of March, 2005
at 8:00 a.m.

The Washington Terrace Hotel
1515 Rhode Island Avenue, NW
Washington, D.C.

TRANSCRIPT OF PROCEEDINGS

03-03-05 NOSB Meeting Participants

Chair:	James A. Riddle
Vice Chair:	Kevin O'Rell
Secretary:	Goldie Caughlan

NOSB Members:	Andrea Caroe
	David Carter
	Gerald Davis
	Rigoberto Delgado
	Bea James
	Hubert Karreman
	Rose Koenig
	Michael P. Lacy
	Nancy Ostiguy
	George Siemon
	Julie Weisman

NOP Staff:	Richard Mathews
	Arthur Neal
	Barbara Robinson

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P R O C E E D I N G S

March 3, 2005

CHAIRPERSON RIDDLE: If people could take their seats and wrap up their conversations. I've got a motivated bunch today, I can tell. Okay, so the first item on our agenda today, and I'd like to go ahead and start with that, is discussion of committee work plans and priorities and time lines. And I haven't made a list of which committee to go first, so we'll just -- whoever is ready to present first. As soon as Kevin opens his, he'll be ready. Anyone ready before that? We only have three committee chairs here. We're missing Rose, Andrea and Dave. Nancy, Nancy. No, no, no, no. Nancy used paper. Who needs electronic? Okay, Nancy.

MS. OSTIGUY: Let's see. The items that the Crops Committee is going -- has on its work plan include a number of things from yesterday. Probably the most, two most important items that we're going to be looking at will be recommendations for the Board to consider on the use of compost and compost tea. These are not done in -- these two are not done in order of priority. And the second one is commercial availability of seed, to bring that back to the Board. We have two, at this point, materials that we need to finish up; soy protein isolate and ammonium bicarbonate. That will be

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1 dependent on when we make the decisions about what
2 synthetic versus nonsynthetic are, since most of those
3 recommendations -- depend on that particular question.
4 Hydroponics is also on the list. Those are the only
5 items that I have at this time.

6 CHAIRPERSON RIDDLE: Any discussion, questions
7 for Nancy? Problems here, complaint? Any additional
8 items that people are aware of for Crops Committee to
9 consider that have come out during public comment or --
10 Kim, did you have a point?

11 MS. DIETZ: Just your materials for the
12 National List for the Sunset review. I think that if we
13 could -- when you request a tab, identify questions, so
14 I think that will probably --

15 CHAIRPERSON RIDDLE: Thanks, Kim, yeah. And
16 each of the Crops and Livestock and Handling Committee,
17 I -- they should be continuing prioritizing the early
18 review materials for Sunset, so keep that in mind.
19 Anything else? Okay. Kevin, ready to go for Handling?

20 MR. O'RELL: The Handling Committee work plan,
21 we have eight items on there now. The first one is the
22 synthetic versus nonsynthetic, to work with Materials
23 Committee regarding the review and recommendation for
24 the clarification of synthetic as it applies to
25 substances, petition for the addition or prohibition to

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1 the National List. That's number one for a reason that
2 it's our priority, Nancy.

3 Number two is the ag/non-ag issue, to review
4 and provide guidance for clarification of current 205.2
5 definitions. Number three is the recommendation for the
6 reclassification of yeast currently listed on
7 205.605(a). Number four is the Sunset material and
8 review process, to move forward on materials identified
9 as priority and from our meeting, committee meeting and
10 presentations to the Board -- flavors and yeast.

11 Number five is to work with the Compliance,
12 Accreditation and Certification Committee to make a
13 recommendation for the retail certification question
14 that came from the NOP. Number six is the Pet Food Task
15 Force and this would be -- participate in the Pet Food
16 Task Force following NOP guidance as things come from
17 the Federal Register notice. The NOP will be getting
18 back in touch, I believe, with the Handling Committee in
19 terms of how we proceed. Number seven would be review
20 of petitioned substances as needed and finally, number
21 eight is as a committee, we're going to review
22 succession plan for future Handling Committee
23 leadership. Any questions, additions? Hugh.

24 MR. KARREMAN: Just -- I don't know if it's
25 going to bother me, Pet Food Task Force; obviously, I

1 wouldn't be on it, but I'd be interested, being a
2 veterinarian in the livestock area, about -- I don't if
3 it's about labeling pet food or if it's actually
4 sourcing organic sources of raw material in pet food,
5 but I'd be interested -- to be involved a little.

6 MR. O'RELL: Okay. When we get the direction
7 back from the NOP, I'll make sure that the full Board
8 knows what our next step is. If there's any
9 participation that you want to be a part of, you'll have
10 that consideration.

11 CHAIRPERSON RIDDLE: I don't know why you say
12 obviously. You wouldn't -- you're a Board member and
13 there will be probably two Board members on it. If
14 you're interested, and unless you have a conflict that
15 would prohibit you from being on it, you'd certainly be
16 eligible.

17 MR. O'RELL: You mean a Board member on the
18 task force? Oh, I --

19 UNIDENTIFIED SPEAKER: Two Board members.

20 CHAIRPERSON RIDDLE: Well, we got one. Any
21 others?

22 MR. O'RELL: Okay, thank you.

23 CHAIRPERSON RIDDLE: The only other thing,
24 Kevin, is you know, once the summary judgment happens,
25 if there's something where NOP asks for the Board's

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1 input on, you know, as it relates to Handling, just ask
2 you to keep a place open for that.

3 MR. O'RELL: Okay, not a problem.

4 CHAIRPERSON RIDDLE: Is this the place holder
5 in the work plan on that? Okay, any other questions,
6 comments for Handling? Okay. George, are you ready?

7 MR. SIEMON: Sure. Well, a lot of follow-up
8 has been discussed here. Our big priority -- they're
9 all big priorities, of course. We have the Aquatic Task
10 Force; we have an aggressive time line to both appoint
11 those people and work through the issues, so we've been
12 waiting for the register to close and that's happened
13 now, so we're going to work with the NOP to assign that
14 task force. We also put in for aquaculture our older
15 standard to get feedback. We got one response, I think,
16 but now we need to -- two?

17 UNIDENTIFIED SPEAKER: Yeah, two detailed,
18 yeah.

19 MR. SIEMON: So we now have to work off of it,
20 so that is -- we -- I can't say the word, so -- and
21 then, of course, then we have this pasture thing that we
22 put up for comment. I wonder if we're now heading for a
23 rule change for that rather than the guidance now that
24 we have more time, that we can give to the committee
25 where we're going. We still have this -- trying to

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1 unify the dairy replacement standards still -- now that
2 we're rewriting the dairy part of the rule, maybe that
3 will come to bear. Still we're going to use FDA. We've
4 already -- that's what Dave gets, there's a lot to do on
5 that. We're still watching over that process. We put
6 forth the Sunset material and we're still looking at
7 that. I heard a request for the methionine task force.
8 I haven't talked to any of the committee members or NOP
9 about that request that came out of this meeting. Way
10 back in our work plan, this fiber-bearing standard and
11 of course, just like all the committees, we're supposed
12 to be looking of a new chairperson and then last, but
13 not least, the response to the law suit -- never a dull
14 moment.

15 CHAIRPERSON RIDDLE: Okay, any questions,
16 comments for George? Nancy?

17 MS. OSTIGUY: No, but I have an offer of work.
18 I'm willing to be the person to deal with agricultural
19 standards, because I do know something about bees.

20 CHAIRPERSON RIDDLE: Right.

21 MR. SIEMON: Yeah, I know, and you are the
22 right person. Anything else? All right.

23 CHAIRPERSON RIDDLE: And Nancy, do you have a
24 copy of the two detailed comments that were submitted?

25 MS. OSTIGUY: No, I haven't seen them.

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1 CHAIRPERSON RIDDLE: Okay, we'll try to make
2 sure we get those to Nancy.

3 MS. OSTIGUY: I also want to make sure that we
4 have broader comments on the standards before we forward
5 because as far as I know, it has now hit the radar of
6 the beekeeper community.

7 CHAIRPERSON RIDDLE: Yeah, so what I would
8 suggest, taking that task force report and these two --
9 I mean, two comments that have come in, merging it into
10 a draft recommendation and that'll be the -- you know,
11 solicit comments and spread that as wide as possible, so
12 great.

13 MS. OSTIGUY: Yes. I do know how to make sure
14 that they will hear about it.

15 CHAIRPERSON RIDDLE: You've got contacts in
16 the bee community, bee hive buzzing. Okay, any other
17 comments for Livestock? Seeing none, okay, who's next,
18 ready? Dave, okay. And then --

19 MR. CARTER: I even intended to have a printed
20 copy for everyone and I faxed it to what I thought was
21 the front desk and it went to sales [ph], so -- anyway,
22 first on our list is develop for distribution to the
23 Board -- I didn't forget that, Mr. Chairman -- and for
24 the Executive Committee action a formal response to the
25 good guidance policy Federal Register notice pending

1 receipt of the collaboration document.

2 Secondly is to develop for distribution to the
3 Board and for Executive Committee action, a follow-up to
4 the AAPFCO organic labeling issue. Those are both very
5 time-sensitive because of the short triggers on those.
6 And then to work in cooperation with the Crop and
7 Livestock Committees to develop a draft guidance on
8 temporary variances for research. And as always, coming
9 out of the meeting, there are more Board policy
10 procedures, manual revisions to be handled;
11 specifically, the materials approval and TAP review
12 information for Rose, the Sunset review process and make
13 sure that we get the clean, updated copy around to
14 everyone. And then, just to continue to provide some
15 follow-up on the issues that weren't addressed at this
16 meeting, but elsewhere, such as the executive director,
17 what's the -- you know, what's happening with that; the
18 handling of the livestock medication materials and the
19 follow-up on the "made with" issue, the
20 organic/non-organic.

21 CHAIRPERSON RIDDLE: Okay, are there any
22 questions, comments? Andrea.

23 MS. CAROE: Are you also looking for the --

24 MR. CARTER: Yes.

25 CHAIRPERSON RIDDLE: Anyone else? Bea.

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1 MS. JAMES: I'd like to recommend that this
2 committee, and I'm volunteering, work on a procedure for
3 handling questions that the NOP submits to us for the
4 policy manual.

5 CHAIRPERSON RIDDLE: Oh, yes, and I should let
6 everyone else on the Board and the record show that Bea
7 originally had asked to be on the Crops Committee, but
8 has since changed her mind and would -- has requested to
9 be on the Policy Committee instead and that's fine with
10 me and then just to let everyone know that, so the
11 composition is different than I read the other day,
12 slightly.

13 MS. KOENIG: I'd just --

14 CHAIRPERSON RIDDLE: Rose.

15 MS. KOENIG: -- like to volunteer, Dave, to
16 work on the temporary variance for research.

17 MR. CARTER: Okay.

18 CHAIRPERSON RIDDLE: And I have one other item
19 to consider of the committee and it also relates to
20 Handling Committee and that is the criteria and
21 procedures for commercial availability determinations
22 for substances petitioned for placement on 606. There
23 really are no criteria other than the definition of
24 commercial availability and we really wouldn't know how
25 to instruct the technical review contractors. It's not

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1 currently covered in their statement of work. Those are
2 all scientific review, not economic analysis, so I would
3 ask the Policy Committee, since it is a policy issue, to
4 take the lead, that you work closely with Handling on --
5 begin drafting some criteria and procedures for the
6 commercial availability determinations.

7 MR. O'RELL: Jim, a question. Is this in
8 light of the summary judgment coming out of the 606,
9 that we want to have an expedited process, too, because
10 from what I heard yesterday is that commercial
11 availability will not exist unless something is on 606?

12 CHAIRPERSON RIDDLE: Right.

13 MR. O'RELL: Okay. So we're looking at
14 procedures for how to go about to get something on the
15 list?

16 CHAIRPERSON RIDDLE: Right.

17 MR. O'RELL: We'll have to work, obviously,
18 closely with NOP --

19 CHAIRPERSON RIDDLE: Oh, for sure.

20 MR. O'RELL: -- on how to expedite things.

21 CHAIRPERSON RIDDLE: Right.

22 MR. O'RELL: Okay.

23 CHAIRPERSON RIDDLE: Yeah, the Board clearly
24 will have a role, since it's a National List issue.
25 Okay. Anything else? Okay, seeing none, who's next?

1 Rose, are -- Rose, okay.

2 MS. KOENIG: For the Materials Committee, we
3 would hopefully have a committee recommendation on
4 synthetic versus nonsynthetic after we get some
5 information from the Handling Committee at the next
6 meeting with some recommendations on that definition.
7 We want to write a recommendation on how to go -- well,
8 how to develop a technical advisory board, a panel, to
9 -- for the materials process, so it would be more of an
10 internal procedural document for the Board.

11 As a quick exercise, I'd like to go back to
12 the re-organization of a list for -- based on OFPA
13 criteria and do it for Livestock just so that we may
14 identify materials on the list that don't meet the
15 criteria and just let -- and giving the Materials
16 Committee on those and they can determine if they need
17 to be reviewed or how they want to handle that. And the
18 last thing -- and I'm not sure if the Handling
19 Committee's interested in looking at -- you know, after
20 the judgment, looking at the lists for the materials
21 that maybe could be considered --

22 CHAIRPERSON RIDDLE: Nonsynthetic.

23 MS. KOENIG: Yeah, and try to do an analysis,
24 go back to the -- try to get the TAP resources and look
25 at -- in those, if there may have been natural forms at

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1 that time that were -- need to be economically feasible,
2 just so that we can have a better idea of the impact. I
3 know probably the industry is working on that, but I do
4 feel that the Board probably should play a role and at
5 least do an analysis of our present list.

6 MR. O'RELL: Yes, Rose, I think that's a good
7 idea. We'll certainly take that up.

8 CHAIRPERSON RIDDLE: And so Handling and --

9 MR. O'RELL: Handling will work --

10 CHAIRPERSON RIDDLE: With Materials.

11 MR. O'RELL: -- with Materials, yes.

12 CHAIRPERSON RIDDLE: Okay. Any other
13 comments, questions for Rose? Andrea.

14 MS. CAROE: Rose, your committee is very
15 active and the work that you do is pretty time-consuming
16 and I was really wondering when we would have new
17 leadership for that committee, because I know that your
18 term is coming to an end and this is one area we
19 certainly can't have a lack of --

20 MS. KOENIG: The proposal, I think, is on the
21 table, so -- just briefly, that would be to set up so
22 that Nancy would take over for her final year on the
23 Board and then really have somebody, one of the new
24 members, in apprentice training, so for two years. So
25 we do have identified somebody now to be -- Nancy

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1 doesn't necessarily have to be the vice on the -- I
2 mean, she knows it, she'll take it over and we want to
3 get somebody in line to take over after her, so that
4 person should be working closely even this year.

5 CHAIRPERSON RIDDLE: So that, then, goes back
6 to Crops Committee of cultivating a new chair there in
7 that field.

8 MS. OSTIGUY: And that is planned. In terms
9 of somebody contemplating the Materials Committee as a
10 future item, the -- while the workload is not small, it
11 is much more handleable [ph] that it was before because
12 of the workload of Kim and Rose in getting everything
13 organized, so it's not as overwhelming as the Board has
14 alluded to in the past, I don't believe. And
15 fortunately, I don't think I need a training period.

16 CHAIRPERSON RIDDLE: Okay, anything else for
17 Rose? All right. Andrea.

18 MS. CAROE: The Accreditation Committee has
19 two work items. The first one is a steady item that was
20 on the list coming into the meeting and that is to work
21 in collaboration with the program to come up with
22 procedures for the peer review process, so that's the
23 first task at hand. And the new task that was brought
24 about through this meeting is to work in collaboration
25 with the Handling Committee as to those retail

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1 certification questions.

2 CHAIRPERSON RIDDLE: And Andrea, I would just
3 ask, on the first item, the peer review, that the
4 committee look at the larger ANSI report and response
5 and see if there are any additional, you know, items to
6 be engaged in beyond just the peer review issue.

7 MS. CAROE: Absolutely. I mean, that's why
8 this wasn't completed before this meeting, is because we
9 -- the ANSI report and the information that is clear to
10 that process and the response of the program is critical
11 in determining how useful the peer review is going to be
12 and the building of procedures around, again, pursuing
13 improvement on the program and the accreditation
14 process.

15 CHAIRPERSON RIDDLE: Okay. Any other
16 comments, questions for Andrea?

17 MR. DAVIS: Quick question.

18 CHAIRPERSON RIDDLE: Yeah, Gerald.

19 MR. DAVIS: ANSI. What's that stand for?

20 CHAIRPERSON RIDDLE: Oh, the American National
21 Standards Institute, and just a tiny background. They
22 were contracted by NOP to do a one-time audit of the
23 accreditation program and they have a very detailed
24 report that's posted on the NOP web site and then
25 there's also an NOP response point-by-point to the

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1 deficiencies that were identified during that audit, so
2 then the committee will look at that and figure out what
3 -- how we can contribute to addressing some of those
4 issues. All right, very good. Next, I think we have --
5 is NOP, are you ready?

6 MS. ROBINSON: Yeah. Thanks, Mark. Okay.

7 CHAIRPERSON RIDDLE: So we have a little
8 announcement or --

9 MS. ROBINSON: We have a few mementos that we
10 didn't take a chance to give --

11 CHAIRPERSON RIDDLE: Okay.

12 MS. ROBINSON: -- to outgoing Board members
13 Monday evening and incoming Board members.

14 CHAIRPERSON RIDDLE: Do we have that on the
15 record? Please.

16 MS. ROBINSON: So, Mark --

17 MR. KING: Yes.

18 MS. ROBINSON: -- thank you very much. And --
19 a certificate of appreciation to Mark King for five
20 years of dedicated services as a member of the USDA's
21 National Organics Standard Board, 2001 to 2005.

22 UNIDENTIFIED SPEAKER: All right, one more
23 here.

24 [Simultaneous comments]

25 MS. ROBINSON: Becky, are you ready?

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1 CHAIRPERSON RIDDLE: Is Becky here?

2 UNIDENTIFIED SPEAKER: She will be down later.

3 MS. ROBINSON: She keeps doing this to me.

4 And then, as a new Board member, we have a Certificate
5 of Appointment to Gerald Davis with appreciation for
6 accepting the call to serve the nation and the United
7 States Department of Agriculture as a member of the
8 National Organic Standards Board and it's signed by the
9 Secretary. Thank you very much.

10 MR. DAVIS: Thank you.

11 [Simultaneous comments]

12 CHAIRPERSON RIDDLE: Okay, is that it? Yeah,
13 okay. Yeah, I'd just like to point out that Kim was
14 acknowledged at a reception the other night, but we
15 certainly want to thank you once again and thank you for
16 your contributions during this meeting, too. It's been
17 very helpful, yeah. And the other four new Board
18 members were also presented their plaques of appointment
19 and service to the nation at that reception that Barbara
20 hosted on Monday evening, so it's not that Gerald is
21 extra special, although he is.

22 UNIDENTIFIED SPEAKER: Don't tell anyone.

23 CHAIRPERSON RIDDLE: We're all special. Okay.
24 We still have a half hour before the public comment
25 period begins and that time was posted in the Federal

1 Register, so it will be -- yes, exactly. That could
2 take a half hour right there, to talk about the next
3 meeting date approximate time because my understanding
4 from Richard and Barbara is there is funding and they
5 would like us to have a meeting in the -- this fiscal
6 year, which ends September 30, so sometime before the
7 end of September, but it does relate to the Sunset
8 docket which has not been posted yet. So it needs to
9 mesh with that time line once that kicks in, so we can't
10 set, you know, firm dates, but we should be looking at
11 our calendars for like August and September, so if
12 there's some times that are totally impossible for
13 people --

14 MR. SIEMON: It's all impossible.

15 CHAIRPERSON RIDDLE: Okay, George. It's all
16 impossible.

17 MR. SIEMON: Those two months for me are --
18 but Expo, just for -- is the 14th, 15th, 16th, 17th of
19 September.

20 MS. ROBINSON: Why don't you guys shoot for
21 August?

22 MR. SIEMON: Well --

23 CHAIRPERSON RIDDLE: Just point out dates like
24 that. September -- yeah.

25 MR. SIEMON: Well, the 15th, 16th, 17th is

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1 Thursday, Friday, Saturday and then Sunday's the 18th.

2 CHAIRPERSON RIDDLE: Hugh.

3 MR. KARREMAN: Just a few things. This would
4 be, then, the second meeting of the year, because since
5 I've been following this -- is it two meetings a year or
6 would there be yet another meeting in October?

7 UNIDENTIFIED SPEAKER: Yeah, there would be a
8 before and after --

9 MR. MATHEWS: If you have one in August or
10 September, that's the third one for the year.

11 CHAIRPERSON RIDDLE: Oh, for the fiscal year,
12 for the fiscal year, yes. Yeah.

13 MR. SIEMON: The fiscal year's October 1.

14 CHAIRPERSON RIDDLE: Yeah. All right, but
15 it's the second in the calendar year and --

16 MR. KARREMAN: Yeah, I thought it was two a
17 year. So anyway, my best times of the year with my
18 farmers harvesting and all that would be September,
19 October, so mid-September would be real nice.

20 CHAIRPERSON RIDDLE: Uh-huh. And George --

21 MR. SIEMON: Yeah, I -- we normally don't like
22 to do it on the years we have Expo, but that would work
23 best with me, I must admit.

24 CHAIRPERSON RIDDLE: And that's Expo MDC?

25 MS. CAUGHLAN: Right.

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1 MR. SIEMON: So the 12th, 13th, 14th or the
2 19th, 20th, 21st would be -- I know it's unhandy, but
3 with the rest of my month's gone.

4 MS. CAUGHLAN: The week before Expo --

5 CHAIRPERSON RIDDLE: Okay, Rose.

6 MS. KOENIG: I would propose that we try to
7 find maybe a week in August and a week in September and
8 then depending on when that federal notice comes out, we
9 really have to do it based on Sunset because we have a
10 small window and we may need to do another, and that
11 really depends on getting everything for Sunset. So if
12 we can at least identify a week in August and for me,
13 the first two weeks are better, before school starts.
14 I'm not exactly sure what time school starts, the
15 17th --

16 CHAIRPERSON RIDDLE: So what you're saying
17 it's better before or after -- I'm sorry.

18 MS. KOENIG: The beginning of August --

19 CHAIRPERSON RIDDLE: The beginning of August.

20 MS. KOENIG: -- and then whatever in
21 September.

22 CHAIRPERSON RIDDLE: Okay.

23 MS. KOENIG: We can try around the first day
24 of school.

25 CHAIRPERSON RIDDLE: All right. Dave.

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1 MR. CARTER: Well, I was going to mention that
2 the time before Expo's problematic, but I think I can
3 shift that if I needed to, so we've got a lot of input
4 coming back. It seems to work, but the only problem
5 with that, after -- the week before Expo works --

6 CHAIRPERSON RIDDLE: Okay. George.

7 MR. SIEMON: Just responding to Rosie. Is the
8 15th, 16th, 17th of August, is that too close to school?
9 The first two weeks of August don't work for me very
10 well.

11 MS. KOENIG: I mean, we can do that, whatever.
12 I have no --

13 MR. SIEMON: It seems like we should come up
14 with two times.

15 CHAIRPERSON RIDDLE: Yeah. I think that's a
16 good approach.

17 MR. SIEMON: So how about the 15th, 15th, 17th
18 of August? I've got something planned, but I can
19 rearrange that, so I can make that work --

20 CHAIRPERSON RIDDLE: Uh-huh.

21 MR. SIEMON: -- that week.

22 CHAIRPERSON RIDDLE: You're suggesting 16th
23 through 18th? Okay, so one of the options suggested is
24 around August 16 through 18. So far I'm seeing that
25 that -- Julie, yeah.

1 MS. WEISMAN: I'm anticipating the second one.

2 CHAIRPERSON RIDDLE: And the other that was
3 suggested would be the, what, 11th through 14th or 12th
4 through the 15th, right before Expo? In September, I'm
5 sorry. September. Bea.

6 MS. JAMES: My brother's getting married and
7 my kids start school that week, too, so I wouldn't be
8 able to attend that week.

9 MR. SIEMON: But afterwards?

10 MS. JAMES: Yeah.

11 CHAIRPERSON RIDDLE: Okay, so that doesn't
12 work for Bea, but afterwards would work like, say 18th
13 through --

14 MR. SIEMON: The 19th is a Monday.

15 CHAIRPERSON RIDDLE: Okay, the 19th through
16 21st. Julie.

17 MS. WEISMAN: I'm getting into shaky territory
18 with that. I'm concerned about my mental health and --
19 close to October 1.

20 CHAIRPERSON RIDDLE: I guess you don't need to
21 elaborate.

22 MS. WEISMAN: My daughter's getting Bat
23 Mitzvahed and another industry organization that I have
24 great responsibility for has it's major event of the
25 year on the 24th of September. I'm just -- the Bat

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1 Mitzvah can't be -- that date's been set for four
2 years --

3 CHAIRPERSON RIDDLE: No.

4 MS. WEISMAN: -- so I can't change that. I
5 was hoping for before Expo.

6 CHAIRPERSON RIDDLE: Okay. Yeah, Andrea, a
7 suggestion?

8 MS. CAROE: Just that in the past, you know,
9 it's grueling having both the Board meeting and the Expo
10 and I don't know -- I mean, because this takes a
11 tremendous amount of energy, what we do here. I can't
12 imagine that after Expo that this Board and the
13 participating audience would be up for a Board meeting.

14 CHAIRPERSON RIDDLE: Well, we can sing Some
15 Magical Moment --

16 MS. CAROE: Well, I would suggest we do this
17 before the Expo.

18 CHAIRPERSON RIDDLE: Yeah, well the other
19 choice -- I mean, that doesn't work for Bea -- would be
20 to separate the two and two trips to D.C. for the people
21 that need to do both. George?

22 MR. SIEMON: How about the 27th, 28th, 29th of
23 September?

24 CHAIRPERSON RIDDLE: That's worse. That's
25 definitely --

1 [Simultaneous comments]

2 CHAIRPERSON RIDDLE: We don't even have to
3 think about that, yeah. Okay. I know this is, you
4 know, really fun for the audience to watch.

5 MR. MATHEWS: Jim?

6 CHAIRPERSON RIDDLE: Yeah, Rick.

7 MR. MATHEWS: If you're going to talk 27, 28,
8 29 of September -- well, I know you just ruled it out,
9 but if you're going to -- you might as well just be
10 talking the middle of October right now, because that's
11 only another couple weeks and we normally try to have a
12 meeting in mid-October, anyways. So maybe if we just
13 forget August and September and Bea -- well, the only
14 reason why I'm saying that is that it's still a wild
15 card that we're going to be able to do something in
16 August and so if you're planning late September, then we
17 might as well just do the mid-October and that'll give
18 you another two or three weeks to do your work and be
19 that much more prepared to address the issues that the
20 commenters are going to provide to you. That's not a
21 mandate, it's just a suggestion.

22 CHAIRPERSON RIDDLE: Uh-huh, yeah. And it may
23 come to that, but right now we're just trying to pick
24 out a couple dates in that August/September -- and so I
25 would call on George.

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1 MR. SIEMON: How about the 30th and 31st of
2 August and the 1st of September? Going once.

3 CHAIRPERSON RIDDLE: Okay, people check their
4 calendars. So it's suggested August 30 through
5 September 1.

6 MS. OSTIGUY: No matter what, I'm going to be
7 missing classes. I do not like to miss the first day.

8 CHAIRPERSON RIDDLE: Oh.

9 MS. OSTIGUY: That's really bad.

10 CHAIRPERSON RIDDLE: Yeah. Bad first
11 impression.

12 MR. SIEMON: Is that the 1st or how about --

13 MS. ROBINSON: Jim.

14 CHAIRPERSON RIDDLE: Barbara.

15 MS. ROBINSON: You know, when we set this
16 Board meeting, do you remember you all e-mailed me the
17 dates that you were unavailable?

18 CHAIRPERSON RIDDLE: Right.

19 MS. ROBINSON: You sent me an e-mail and I
20 mapped it out on the calendar and we found these dates.
21 If you want to do that rather than sit here and -- it's
22 up to you, but I'm --

23 CHAIRPERSON RIDDLE: I appreciate --

24 MS. ROBINSON: -- willing to once again, if
25 you just pick the months from August through October --

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1 CHAIRPERSON RIDDLE: Yeah.

2 MS. ROBINSON: -- the dates that you are
3 totally unavailable and then we'll find dates
4 wherever --

5 CHAIRPERSON RIDDLE: Yeah. But last time we
6 ran out of time and didn't have the chance to play this
7 Board game live, so -- I mean, we have come up with one
8 window now. Yeah, I appreciate the offer and we may --
9 it may come -- and in reality, it probably will come to
10 that at the end of the day, but it's good if we can all
11 agree to --

12 MS. CAUGHLAN: And the other problem is --

13 CHAIRPERSON RIDDLE: -- another window.

14 MS. CAUGHLAN: -- because we do still pretend
15 to have lives and it's the idea of trying to -- with all
16 the summer schedules.

17 CHAIRPERSON RIDDLE: Right.

18 MS. CAUGHLAN: Kids and family and --

19 CHAIRPERSON RIDDLE: I'm trying to anticipate
20 when the fish will be biting. Nancy.

21 MS. OSTIGUY: I was actually going to suggest
22 that we take up Barbara's offer.

23 CHAIRPERSON RIDDLE: Well -- Kevin.

24 MR. O'RELL: Actually, I like Barbara's offer
25 and this is why, because I also get in trouble at home

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1 because I don't have all my personal things on the
2 calendar and then I'll find out, you know --

3 CHAIRPERSON RIDDLE: I think we've heard
4 enough about that. Andrea and then Hugh.

5 MS. CAROE: I would just ask if we can go that
6 route and if we can do it quicker, or earlier than
7 later, because what notoriously happens, if I wait until
8 the last minute, my calendar's filled up with a bunch of
9 things in-between the time that I submitted it and the
10 date comes back.

11 CHAIRPERSON RIDDLE: What we have -- yeah,
12 Rose.

13 MS. KOENIG: Yeah. And I would just want to
14 point out to Richard, I just think that because of the
15 fact that we have so many new members and then after
16 December there's going to be another group of new
17 members, to me having these two meetings, as much of an
18 apprentice-kind of -- so that by the time we leave that
19 the members feel really comfortable with the process. I
20 think that there's a lot of value to that for the newer
21 members because it just -- coming up to speed on how
22 things function is really hard to the fact that a good
23 chunk of people are going to be gone after the last
24 meeting. I think we need two meetings between now and
25 the end of the year.

1 CHAIRPERSON RIDDLE: I support that,
2 appreciate --

3 MS. CAUGHLAN: And Rose is volunteering to do
4 more work, so we can't pass that up.

5 [Simultaneous comments]

6 CHAIRPERSON RIDDLE: Okay. I'm ready to
7 declare victory and that is we have a -- oh, Hugh. I
8 did say --

9 MR. KARREMAN: Just, you know, with all
10 respect, you know, having three meetings like you want,
11 I like Richard's idea of having it in October and having
12 everything really thought about and worked on before
13 that.

14 MR. MATHEWS: That's just my opinion, save the
15 government's money this year, too. Just have the second
16 meeting in October in the new fiscal year.

17 CHAIRPERSON RIDDLE: Okay. Well, we have
18 identified one window, 16th through the 18th where
19 everyone here agreed they were available and we'll
20 propose -- August, I'm sorry. August 16 through 18 and
21 beyond that, Barbara, we'll -- you'll send around
22 something, a calendar for us to fill in our impossible
23 availabilities and then propose something official.
24 Yeah, Rose and then Hugh.

25 MS. KOENIG: I actually think the August

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1 meeting will work and this is why. We identified
2 materials by committees that need to go -- that we know
3 we want to Sunset, okay, so if we send those to the TAP
4 review, whether that Federal Register notice comes out
5 or not, we still may have a bulk of things that we could
6 get off our table as far as beginning the Sunset TAP
7 process, I believe. So I think that we could -- and
8 plus we have how many TAPs do the contractors have of
9 new materials? Three. Plus we had the old ones from
10 Nancy, so I think we have enough material-wise to
11 substantiate a meeting in August.

12 CHAIRPERSON RIDDLE: Right, and plus hearing
13 the committee work plans, there's a lot of things that
14 are well in development that we should be able to act on
15 and we'll have comments back from some of these drafts,
16 so I think we'll have plenty to have a meeting.
17 Richard, then Hugh.

18 MR. MATHEWS: And we've been holding off
19 giving you questions, so we have more questions for you.

20 CHAIRPERSON RIDDLE: I appreciate that.
21 There's always that to add, yeah. Hugh.

22 MR. KARREMAN: I thought you were talking
23 September 16th to the 18th, right before Expo. August
24 is my absolute worst month. I'm driven crazy by
25 emergencies, so it's the worst month for dairy cows in

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1 this area, so August is not good for me.

2 CHAIRPERSON RIDDLE: We'll consider that
3 before we firm up the date. Anything else on that?
4 Well, we did that in only 15 minutes and we will -- I
5 have a couple more things here and that is I will send
6 around suggestions for the next Executive Committee
7 meeting. We don't have to spend time discussing that
8 for all the members who aren't on the Executive, but we
9 will set that in a timely manner before the end of March
10 in order to act on the issues from the Policy Committee,
11 the AAPFCO input and the good guidance document
12 comments. Dave?.

13 MR. CARTER: Yes, and just before we take the
14 short break that I know you're going to declare before
15 we go to public comment, I would like to -- well, when
16 we do take that short break, I'd like to get together
17 with the Policy Committee and we'll just set a date for
18 our next --

19 CHAIRPERSON RIDDLE: Oh, okay. All right,
20 good. And then the only other thing I had is, at one
21 point I passed around a cover sheet for recommendations
22 and so this is for committee chairs. After the meeting
23 now, a number of those drafts that we voted on were
24 amended and it's your responsibility, as committee
25 chair, to make those final revisions, polish them up,

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1 but then to also fill out the recommendation cover sheet
2 and submit that with each of those final
3 recommendations. And Arthur, would you send that around
4 electronically so people can complete them
5 electronically and I ask each of the committee chairs to
6 copy me on those finals that you sent in and -- so I can
7 review them, as well. Arthur.

8 MR. NEAL: On the finals that are sent in, it
9 actually should come through you with a signature, so --

10 CHAIRPERSON RIDDLE: Okay, right.

11 MR. NEAL: Right. That way we'll know --
12 oftentimes it happened we got them from different
13 people, but if we get them from one person with the
14 chair's signature on it, we'll know that this is the
15 final.

16 CHAIRPERSON RIDDLE: Okay. So send them to me
17 and I'll review them and sign off on them and submit
18 them to the program. George.

19 MR. SIEMON: I'm pretty sure that we made
20 changes on the Livestock -- I don't have those final
21 wording, so I think Arthur -- we were making the changes
22 on the screen yesterday. Yeah, we --

23 CHAIRPERSON RIDDLE: Oh, no. Yeah, we changed
24 the numbers --

25 MR. SIEMON: Is that -- well, Arthur, I just
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1 want --

2 MR. NEAL: George, I got --

3 MR. SIEMON: Okay. Well, anyway you'll send
4 to all the committee chairs if there's any changes, but
5 I just want to make sure I get the right one.

6 MR. NEAL: I've got changes. Now, if we
7 replace everything you said, I can't say yes and that's
8 why it's going to be up to the committee and the Board
9 chair to verify all these things.

10 CHAIRPERSON RIDDLE: Right.

11 MR. NEAL: I'm not the secretary of the Board.

12 CHAIRPERSON RIDDLE: Well, between Arthur,
13 Dave will help you, George, and I'll review it and that
14 particular one was the guidance -- no, no, that was the
15 proposed rule change, that was the rule change, yeah.
16 Yeah. So we'll go from here on that. Anything else on
17 that? If not, then let's take 10 minutes and be back
18 here ready to listen to public comments at 9:00 a.m.
19 Thanks.

20 ***

21 [Off the record]

22 [On the record]

23 ***

24 CHAIRPERSON RIDDLE: Come back through and
25 take your seats, get set up here. Some of them may not

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1 be here, but you know -- okay. Okay, we'll begin the
2 second public comment period and just hold on a second
3 because I should read the -- from the Board policy
4 manual the rules for commenting, which I can't find.
5 What tab is that, Dave?

6 MR. CARTER: Six.

7 CHAIRPERSON RIDDLE: Yeah. Okay, once again.
8 All persons who wish to comment need to sign up, and if
9 you haven't signed up, I do have the book up front and
10 there is still time available for walk-ins today. You
11 will be called on in the order that you signed up, but
12 you can pass for the time being. You'll have five
13 minutes to speak.

14 You need to give your name and affiliation
15 before you start your comments and you may -- someone
16 may submit a written proxy requesting that another
17 person speak on your behalf, however if you're carrying
18 a proxy, you will be limited to a total of 10 minutes,
19 so you can't bring in multiple proxies and get more
20 time. If you do have a proxy, please state that before
21 you begin your comments, as well, so that the timekeeper
22 knows.

23 Goldie will be keeping time and she has a one
24 minute warning sign that she'll hold up. If you don't
25 see it, that's not her problem, but she will hold that

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1 up at one minute just to let you know where you're at.
2 And also, anyone giving public comment will refrain from
3 personal attacks or remarks that impinge on the
4 character of any individual. That includes Board
5 members, USDA staff, any other members of the public
6 organic community, including companies.

7 We have no problem with you expressing, you
8 know, honest opinions in a passionate manner, but once
9 you start making personal attacks, that detracts from
10 your comments; it's counter-productive, and if I sense
11 someone making a personal attack, I will mention that,
12 ask you to please restate your comments. If you
13 continue, I will ask you to conclude your remarks.
14 Okay. So with those understanding of the rules we will
15 begin and the first person up is Steven Protanic [ph].
16 I'm sure I didn't pronounce that right and on deck,
17 Julia Sabin. Steven.

18 MR. PROTANIC: Yes, I'm here but I'm having a
19 problem setting up the PowerPoint.

20 CHAIRPERSON RIDDLE: Okay, so you'd like to
21 pass.

22 MR. PROTANIC: If I may.

23 CHAIRPERSON RIDDLE: Yes, indeed. So Julia
24 and then on the list is Mark Retzloff. Will Mark be
25 speaking or is someone speaking on Mark's behalf? Okay,

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1 then the next person would be Dr. Juan Velez. Is Juan
2 still here?

3 MR. VELEZ: No, I spoke Tuesday.

4 CHAIRPERSON RIDDLE: Well, you signed up for
5 both.

6 MR. VELEZ: No.

7 CHAIRPERSON RIDDLE: Clark, will you be
8 speaking?

9 MR. DRIFTMIER: No, we already commented.

10 CHAIRPERSON RIDDLE: Okay, so none of those --
11 boy, that is the quickest comments we've received. So
12 Wendy Swan. Is Wendy here? Yes, so you will be on deck
13 and then if Steven's ready, we'll come back to you at
14 that point. So Julia, thanks for your patience.
15 Welcome.

16 ***

MS. SABIN: Good morning, the National Organic Standards Board, National Organic Program and interested members of the organic community. I'm Julia Sabin, General Manager at Smucker Quality Beverages. We procure organic ingredients, manufacture and market a number of organic products under our brands of RWP [ph] -- After the Fall and Natural Grocery [ph], as well as our all-organic brand, Santa Cruz Organic. Today I would like to address our extreme concern over the

1 outcome and possible ramifications of the Harvey versus
2 Veneman lawsuit.

3 According to the USDA the court ruling not
4 only prohibits synthetics in processed food products in
5 organic label category 95 percent plus, but in a "made
6 with organic", 70 to 94 percent category, as well.
7 Furthermore, though we were hoping the USDA could obtain
8 a hearing en banc for an expanded review of the case, we
9 understand that the test of import -- the court for
10 testing a standard review ONPO [ph] may not be met. The
11 case has already been returned to the district court
12 from the court of appeals and the USDA has to be
13 prepared to implement the judgment of the district
14 court.

15 Though we do not know what the details of the
16 implementation or its timetable, it appears that the
17 USDA will have to amend the regulations to come into
18 compliance with the Act. We have been told that though
19 this ruling will have intense financial and social
20 damage to the farming and manufacturing community, the
21 court will not address such damage, except in the case
22 of damage possibly impacting a timeline for application
23 of the rewritten regulations. The NOSB can address and
24 mitigate some of this damage.

25 We urge the SOB -- NOSB, excuse me. I

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1 apologize. I apologize. We urge the NOSB to work in
2 concert with the NOP, Organic Trade Association and the
3 organic community, please, please, please review the
4 definition of the ingredient and ingredients statement.
5 We could possibly refine the definition of ingredient in
6 the regulation definitions, but of course, we do have to
7 be responsible and make sure we can still capture
8 non-ingredients that we do not want approved.

9 The NOSB should come up with workable
10 definitions and should then revisit all materials
11 currently deemed synthetic as stated in 205.605(b) of
12 the National List. At Smucker Quality Beverages we
13 believe in quality of the organic raw materials supplied
14 to us by our farmers. We believe in the quality of the
15 finished products for our consumers. We strive to
16 innovate and rely on natural and organic ingredients and
17 we believe in the strictest possible standards. We have
18 been dedicated to organic mission for over 20 years. We
19 remain dedicated to the growth of the organic industry.
20 By providing consumers with more choices in organic
21 products, we provide farmers with more value-added
22 opportunities.

23 We strongly urge this Board to immediately
24 begin assisting with the regulatory remedy the
25 ramifications of the lawsuit. If left unchecked, would

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1 require many products to be discontinued, ultimately
2 cutting off demand for organic ingredients and thereby
3 hurting the very farmers who have supported this
4 industry. Thank you.

5 CHAIRPERSON RIDDLE: Thanks, Julia. Any
6 questions? Thanks, it was very clear. Okay, Wendy Swan
7 and then next up will be Steven Protanic.

8 ***

9 MS. SWAN: Members of the Board, good morning.
10 My name is Wendy Swan and I represent the Animal Welfare
11 Institute, a non-profit organization founded in 1951 to
12 minimize the sum total of fear, pain and suffering of
13 animals. I submit the following comments on behalf of
14 AWI's legislative division, the Society for Animal
15 Protective Legislation. As part of its advocacy on
16 behalf of farm animals, the Animal Welfare Institute
17 maintains a farm animal husbandry standards program that
18 allows farms to abide by our strict husbandry standards
19 to use its name in connection with marketing of their
20 products. We are very concerned about maintaining the
21 integrity of organic standards with respect to farm
22 animal welfare and consumer expectation of this.

23 We thank you for the opportunity to speak
24 today and support access to pastures ordinance. With
25 the following exceptions, we urge the National Organic

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1 Standards Board to adopt the Livestock Committee's
2 pasture requirement recommendations. Ruminants must
3 have substantial access to pasture. Cattle, for
4 example, allowed to graze in grasses, herbs and leaves.
5 Of the bush and open plains, cattle travel on average
6 about two and a half miles per day while grazing and
7 will graze up to nine hours a day in exceptional cases.
8 When grass is sparse, cattle will graze up to 15 hours
9 per day. They may spend two hours per day going into or
10 searching for suitable grazing sites. Maintenance is
11 rare on cows on pasture.

12 Grazing provides both nutrients and exercise.
13 As herbivores, cattle are adapted to high-fiber,
14 low-density diets and do not adapt easily to high-grain
15 diets or manufactured items with grains -- with high-
16 protein and low-fiber. Routine confinement of cattle on
17 slatted or concrete floors has been associated with
18 lameness which implies poor welfare. Access to quality
19 pasture, exercise and the ability to graze, therefore,
20 are essential to the biological and behavioral health of
21 cattle.

22 Furthermore, customers believe, consumers
23 believe that organic meat and dairy products come from
24 animals who have substantial and legitimate access to
25 pasture. We support the position of the NOSB, that

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1 grazed feed must provide a significant portion of the
2 total feed requirements of ruminant animals. In answer
3 to the NOSB and Livestock Committee's request for
4 clarifications, we agree with other groups submitting
5 comments, including Cornucopia Institute and Northeast
6 Organic Dairy Producers Alliance, that organic dairy
7 animals must consume no less than 30 percent of their
8 daily dry matter intake from pasture for a minimum of
9 120 calendar days per year.

10 To assure quality grazing, we agree further
11 that stocking density per acre must not exceed three
12 lactating dairy cows and may need to be less as
13 appropriate for soil and climate. We further support
14 the additional recommendation of these organizations to
15 -- the definition of pasture. With respect to temporary
16 confinement, we support the need to shelter animals
17 during inclement weather that could harm the animals or
18 other life or health-threatening circumstances and in
19 the case of veterinary care, to treat disease or injury.

20 We agree with the NOSB Livestock Committee
21 that lactation is not an appropriate stage of production
22 recommendation -- excuse me -- is not an appropriate
23 stage of production for routine confinement. We agree
24 with the NOSB Livestock Committee recommendation that
25 birth is a stage of production where it seems temporary

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1 confinement, but only in the case of severely inclement
2 weather as in winter, when newborn calves could become
3 chilled or when weather could impair the mother's
4 ability to care for her calf or in the case of an
5 anticipated birth -- an anticipated difficult birth or
6 the purpose of improving the farmer's ability to observe
7 and care for the animal and never as a routine procedure
8 surrounding birth.

9 In general, cattle on pasture are fit, healthy
10 and capable of unsupervised -- we do not agree with the
11 Livestock Committee that confinement of beef animals
12 during the final finishing stage is appropriate for
13 organic production unless animals must be confined for
14 feeding during seasons when quality pastures are not
15 available or when pastures or poor conditions outside
16 the farmer's control, such as drought. In such cases,
17 cattle should continue to have access to pasture while
18 feeding, while being fed hay and other feedstuffs that
19 support normal ruminant function and deliver sufficient
20 nutrients to maintain health. Thank you.

21 CHAIRPERSON RIDDLE: Thank you. Thank you for
22 your comments. Did you -- were you here the last couple
23 days and know how we've worked on documents and how do
24 you feel about that?

25 MS. SWAN: I regret -- I had plans to attend
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1 the previous days and I regret that I wasn't able to
2 come.

3 CHAIRPERSON RIDDLE: Well, we -- I think we've
4 substantially addressed some of your concerns, group's
5 concerns. What I've found -- what I've always kind of
6 been wondering about -- I don't know what certification
7 process -- I think AW has one for farm animals. I'm
8 familiar with Free Farm, I guess another group, that
9 there's a humane society, that the -- they had another
10 one. Do you feel that organic livestock would pass your
11 group's -- not the other one's, but your group's
12 standards for humane care?

13 MS. SWAN: I think right now the Organic
14 Standards have a lot to meet this -- they don't address
15 all the concerns that we have regarding animal welfare.

16 CHAIRPERSON RIDDLE: Do you have some right
17 off the top of your head that --

18 MS. SWAN: Oh, well ensuring access to pasture
19 as far as cattle and ruminants, but as far as other
20 species, there's not even a requirement for outdoor
21 access. Looking more specifically at the different
22 types of mutilations that might -- I don't know if the
23 Organic Standards do prohibit mutilations.

24 CHAIRPERSON RIDDLE: Does your group, AWI --
25 are your certification for humane care of animals, is it

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1 mainly based on a per animal kind of assessment or a
2 whole herd?

3 MS. SWAN: In essence, each animal -- if
4 there's an animal that's not being cared for. It's an
5 individual basis.

6 CHAIRPERSON RIDDLE: Do you have any certified
7 organic livestock farms that are certified with your
8 group at this time?

9 MS. SWAN: We do.

10 CHAIRPERSON RIDDLE: You do have some farms
11 that are becoming certified with your group now?

12 MS. SWAN: Yes, right now. Right now, we're
13 only working with feed farmers, but we've begun -- for
14 other species and we're working -- we work with now over
15 400 pig farmers. We're working with dairy and cattle
16 farmers.

17 CHAIRPERSON RIDDLE: Well, I'd just like to
18 say for as long as I'm on the Board, I would like to
19 have your group's input in our standard making.

20 MS. SWAN: We are available to assist you any
21 way you want, absolutely.

22 CHAIRPERSON RIDDLE: Okay, thank you. And I
23 just -- I wanted to add to that, just to -- since you
24 weren't here the last few days, just to let you know
25 that the Board did vote on two recommendations for rule

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1 change, took final votes, but those will be posted
2 eventually as proposed rules and open for public comment
3 during the notice and comment rule making process. We
4 also voted on a very detailed guidance document that
5 will be posted just for public comment that we'll be
6 reconsidering at our next meeting, so please stay tuned
7 and thanks for your comments.

8 And before the next speaker comes, if any of
9 you have either multiple copies or just a single copy of
10 your comments, if you please make sure and get that to
11 Toni Strother so we can have those written comments for
12 the official record. I should've said that at the very
13 beginning. Okay, next up, Steven Protanic and please
14 straighten me out on how you pronounce your last name.

15 ***

16 MR. PROTANIC: Mainly Protanic, but I also go
17 by Pritenick [ph] or whatever you want to call me.

18 CHAIRPERSON RIDDLE: Okay.

19 MR. PROTANIC: Thank you for being here this
20 morning. My name's Steve Protanic and I'm with the
21 National Chicken Council and I'm here on behalf of
22 Dr. Clothe [ph], who has taken ill. He's undergoing
23 procedures to find out what's wrong. He asked me if I
24 would give his presentation and express his concerns and
25 really, they're the concerns of the industry, of the

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1 poultry industry, in general, and the government, and
2 this is not new. If you could change this line -- some
3 of you have heard this before, but it's taken on a whole
4 new twist. Avian influenza, as you know, has been
5 considered an economic problem with industry, could be
6 devastating to industry if it's not handled when there's
7 an outbreak and so forth, and it's very well known that
8 wild waterfowl can introduce this into birds that have
9 access to them. But this has taken on a whole new
10 connotation with what has happened in southeast Asia.

11 The World Health Organization, which is part
12 of the United Nations, is taking avian influenza very
13 serious. Our own Centers for Disease Control in
14 Atlanta, Georgia, is taking this very serious. Even
15 Homeland Security has a board member on the U.S. Animal
16 Health Association and is actively participating in the
17 transmissible disease. We are very, very concerned
18 about potential disease, as the viruses are constantly
19 mutating. Any H-5, H-7 virus, even if it's low-
20 pathogen, has the potential to become highly pathogenic
21 and as we've seen in Asia, it appears to be maybe
22 crossing species. There's concern it could maybe mutate
23 even further, become an pandemic situation.

24 So this -- if we could go to the next slide.
25 AI happens and we don't have to go back very far. In

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1 2002, in the Shenandoah Valley, we had an outbreak -- it
2 was an economic loss to the industry, 130 million. If
3 we could go to the next. Amsterdam, almost wiped out
4 their industry, but they learned from this that they
5 need to protect the birds from coming into contact with
6 wild waterfowl. They've reached that conclusion. If we
7 could go to the next one. Delmarva, as late as last
8 year we had an outbreak, had to destroy 300,000 young
9 chickens. And when you have an outbreak, it impacts all
10 of the farms in that vicinity. It's not just the one
11 where the disease shows up. If it's an H-5 or an H-7,
12 they're going to test the geographic region or perimeter
13 and if they find birds that test positive, the general
14 treatment is to destroy all of those birds. Next one.

15 This year we had turkey breeders, a breakout
16 in North Carolina. It wasn't a big outbreak, they
17 contained it, but it had trade implications
18 internationally. We have some trading partners, such as
19 Japan. Anytime we have an H-5 or an H-7 outbreak, even
20 if it's low-path, they cut off imports from all of the
21 U.S. And just to show how much the government is trying
22 to address this issue, the USDA awarded a \$5 million
23 cooperative grant -- this is shared with five
24 universities, the University of Maryland is the lead
25 university -- to study and address avian influenza.

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1 Okay, next one. APHIS has implemented a
2 program to monitor, control and eradicate a -- with
3 particular emphasis on the live bird markets and here we
4 have the Asian thing. If we could move on again. This
5 is a sustainable agriculture organization that works
6 with school-age kids and they're learning from the
7 lesson. Well, Dr. Clothe is asking that you suspend the
8 mandate that the birds have to be -- have to be
9 outdoors. I would like to offer just one more --

10 CHAIRPERSON RIDDLE: Conclude your remarks.

11 MR. PROTANIC: Closing remark.

12 CHAIRPERSON RIDDLE: Yeah.

13 MR. PROTANIC: That -- if we could go to the
14 next slide. If we could do something like this and make
15 it applicable to those areas where avian influenza has a
16 history or we have large waterfowl populations, let the
17 folks invoke this sort of thing to protect those birds
18 from avian -- those are your danger points. Where
19 you've got a history, it's going to likely happen again.
20 We have watched water fowl --

21 CHAIRPERSON RIDDLE: Time.

22 MR. PROTANIC: You put your birds at risk.

23 CHAIRPERSON RIDDLE: Thanks.

24 MS. OSTIGUY: Jim.

25 CHAIRPERSON RIDDLE: Yeah, question.

1 MS. OSTIGUY: Do you know of a single example
2 -- actually, I should preface this. My concern about
3 avian influenza's very high. I have a public health
4 degree. I would like to know if there is a single
5 incidence of avian or other outbreak from an organic
6 poultry operation?

7 MR. PROTANIC: I couldn't answer that
8 specifically, but you know, organically raised, and the
9 Council raises organic and several companies have
10 organic, certified organic flocks that they raise --
11 they are susceptible. It doesn't matter --

12 MS. OSTIGUY: I'm not talking about
13 susceptibility. I'm talking about source. My
14 understanding is that the outbreaks that you are
15 discussing are primarily transmitted by workers when
16 they're moving from one facility to another.

17 MR. PROTANIC: We have that, we also have the
18 live bird markets.

19 MS. OSTIGUY: And in confinement situations.

20 MR. PROTANIC: Well, we have -- well, that's
21 not entirely that. If you look at the live bird markets
22 in some of your major cities, New York and so forth, a
23 lot of those birds come from flocks in Pennsylvania that
24 -- I guess you would call them range farms. These birds
25 do come in contact with other species, so there is a

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1 cycle within that type of market and you've got two
2 things going. You've got the commercial that you're
3 alluding to and you also have the live bird market,
4 which has a different source in --

5 MS. OSTIGUY: Not organic.

6 MR. PROTANIC: And yes, you -- I mean, if you
7 think that you'll never have the exposure, run the risk
8 of avian influenza in your flock, I think you're --

9 MS. OSTIGUY: Who currently does allow for
10 confinement for health reasons? Have you considered
11 that?

12 MR. PROTANIC: Well, this -- and what
13 Dr. Clothe is asking is that where they're in a
14 high-risk area, if they can still raise birds
15 organically, but not expose them to wild waterfowl,
16 which they would be exposed to if they were allowed.

17 CHAIRPERSON RIDDLE: We have two more
18 questions and we have a lot of other commenters, so
19 Hugh.

20 MR. KARREMAN: I'm new on the Board, so if
21 I've heard about the poultry, this poultry question and
22 I know the Under Secretary of Agriculture of
23 Pennsylvania has told me, personally, that this is
24 definitely on their radar screen, this whole topic and
25 personally, I just -- quick glance, I like your

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1 statement here behind me that's on the screen and if we
2 do already have something in the regulations for
3 confinement, temporary confinement for health reasons,
4 that's great.

5 Maybe we could further delineate that, but I
6 must also say that the -- you mentioned the open, or the
7 bird, live bird markets in New York and a lot of the
8 birds come from small organic farms in Pennsylvania,
9 many of my farmers are those farmers who you speak of.
10 They're dairy farmers that free-range birds and whatnot
11 and I have yet to hear of a single case being traced
12 back to any of my farmers. Believe me, I would've heard
13 about it, being a veterinarian with, you know -- with
14 public health and so I'd --

15 MR. PROTANIC: Well, that's about to change
16 with -- when the monitoring system takes full effect
17 that APHIS is implementing, which is focusing on
18 commercial poultry, as well as the live bird market
19 system. You'll have testing certification where the
20 birds come from. We'll have bird identification, either
21 on an individual or lot basis. And that's going to all
22 occur within the next few years. The Animal and Plant
23 Health Inspection Service, that we have worked with very
24 closely, have expressed very great concern about the
25 live bird market and it's the back and forth that has,

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1 on a number of occasions, introduced -- into commercial.
2 And I'm not trying to defend commercial or organic, I'm
3 just saying there's a real risk out there and folks who
4 would like to raise organic chickens are very concerned
5 in those high risk areas and they're asking for some
6 help.

7 CHAIRPERSON RIDDLE: Mike, did you still
8 have a --

9 MR. LACY: Thank you. Steve, appreciate you
10 coming and sharing with us and I wanted to address
11 Nancy's question. I don't think that there is any
12 documented case where organic poultry have been infected
13 with avian influenza. The point is there are documented
14 cases where birds that have access to outdoors has
15 spread avian influenza to other flocks and that's been
16 documented in Texas, California, Virginia. In fact, I
17 think if you go back and look at any avian influenza
18 outbreak, you can trace it back either to birds that had
19 access to outdoors, or to wild birds, as Steve
20 indicated.

21 CHAIRPERSON RIDDLE: And I just have a
22 factual, you know, clarification. The 300,000 birds in
23 Delmarva that you referenced and the turkey breeding
24 facility in North Carolina, those were both confinement
25 operations. Those were not outdoor --

1 MR. PROTANIC: I wasn't trying to --

2 CHAIRPERSON RIDDLE: All right. Okay, thanks
3 for your comments. And I forgot to give the next person
4 fair warning that they were up and it's Jay Feldman is
5 on the list. Is Jay here? No, okay. And no one's
6 speaking on his behalf. Well, then Kim Dietz, so -- and
7 next up is Lynn Coody.

8 ***

9 MS. DIETZ: This is new for me.

10 CHAIRPERSON RIDDLE: I hope your battery
11 lasts.

12 MS. DIETZ: It's in a very bad spot. And
13 since I didn't have the use of your printer, I had to
14 put it on here. Okay. Ready, Goldie? Okay. I stand
15 before you today for two purposes. I'll be reading a
16 document on behalf of GMA, or Grocery Manufacturers of
17 America and lastly, I'll be addressing the Board as a
18 concerned organic industry leader. However, before I
19 begin, I would like to put on the record that although I
20 was invited to attend this meeting by the USDA --
21 they're not covering my expenses. My actions this week
22 should in no way be linked to the USDA. I sincerely
23 thank the USDA and this Board for allowing me to serve
24 you over the past five years as an industry
25 representative.

1 I'm not going to read this entire statement.
2 I'm just going to read the bullet points that I think
3 are not redundant of what you've heard over the last few
4 days. Did everybody get a copy?

5 UNIDENTIFIED SPEAKER: I didn't.

6 MS. DIETZ: The ramifications -- and this is,
7 in fact, the Harvey versus Veneman -- on the food
8 processing industry, organic foods industry,
9 particularly. The ramifications of this decision span
10 the organic industry from the farm to the grocery store.
11 Virtually all products with the possible exception of
12 some fresh fruits and vegetables will be affected.
13 Therefore, we request that the National Organic
14 Standards Board and the U.S. Department of Agriculture
15 see to -- instructions to growers, industries and
16 consumers as this ruling is addressed or implemented.

17 We support the responsible oversight of the
18 NOSB and urge an administrative remedy that recognizes
19 the efforts of this Board and the organic community over
20 the last dozen years to review and in good faith approve
21 synthetic materials for addition to the National List.
22 Due to consumer demand, a substantial increase in
23 organic products has occurred, not only in organic
24 agricultural commodities like fresh fruits and
25 vegetable, but also in processed organic foods and

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1 beverages. Many of these processed organic foods and
2 beverages depend on the use of approved substances, some
3 non-synthetic, some synthetic.

4 A precipitous response to that ruling in
5 Harvey versus Veneman would cause significant
6 disruptions, loss of markets for many small growers
7 because processors can no longer make certain products
8 resulting in a disappearance of a number of acceptable
9 organic products for consumers and potential confusion
10 about what the term organic means. Again, we encourage
11 the NOSB and the U.S. Department of Agriculture to
12 minimize the disruption to organic growers, to the
13 organic food processing community and to consumers when
14 this ruling is implemented.

15 Now, I'll take the balance of my time
16 addressing my personal concerns that are directly
17 related to this Board and the functions of this Board.
18 Materials. Many of you know that over the past five
19 years, while serving on this Board, I was the Handling
20 representative and also served as the Materials chair.
21 I'm very concerned that a significant amount of Board
22 time has been spent preparing for the Sunset review
23 period, yet here we are today with October, 2007 right
24 around the corner and we have no process implemented.

25 Although I fully realize that we're still

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1 waiting for the ramifications of the Harvey law suit to
2 reveal itself, I'm fearful that we may not meet the
3 Sunset timeline for hundreds of materials. Unless that
4 process begins immediately. I urge the USDA and the
5 NOSB to keep on -- keep this as a high priority.

6 Committees. With a background in human
7 resource management, I have been a strong advocate on
8 proper committee and board structure. Earlier this week
9 we discussed the natural attrition of this Board and how
10 11 of 15 members will be replaced in the next two years.
11 I encourage the chair of the Board and new Board members
12 to get people in places immediately. I'm also very
13 concerned that if a steep learning curve over the next
14 year will be forced on new members, I encourage this
15 Board to form some type of formal entry program for
16 these new Board members so that they can get up to speed
17 as quickly as possible. I also recommend that an
18 orientation session be mandated prior to any NOSB
19 meeting with new Board members, to throw them into the
20 -- not into service to this industry.

21 CHAIRPERSON RIDDLE: Okay, your time. Do you
22 have any concluding remarks?

23 MS. DIETZ: Yes. I cannot emphasize enough on
24 the importance of clarification of ag versus non-ag and
25 most importantly, the definition of synthetic and

1 non-synthetic. You clarify these terms to either assist
2 all stakeholders in this industry and help us make it
3 through this catastrophic time or worse yet, do more
4 damage to the entire industry. I will submit my formal
5 recommendations to the Board on those definitions so
6 that you have them and that's it. Questions.

7 CHAIRPERSON RIDDLE: Thanks, Kim. Bea.

8 MS. JAMES: Kim, what would you recommend as
9 far as a process that might give more incentive for
10 senior members to stick around after the end of their
11 term?

12 MS. DIETZ: Well, I think that fortunately,
13 you have farmers that can participate in these meetings
14 and you have others, those of us who are hoping, you
15 know, through this -- after these four meetings, but the
16 incentive, really the only incentive, to me, would be to
17 help assist them to these meetings, some of us who work
18 for companies who support this industry, would still
19 allow us to come on behalf of the industry, but some
20 type of financial assistance, if possible.

21 MS. JAMES: So are you recommending that the
22 -- that perhaps the NOP or the USDA could help
23 supplement the cost of senior members to come and help
24 the mentoring, the meetings like you did today?

25 MS. DIETZ: Realistically, that hasn't been

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1 the past -- I mean, I would encourage that. I also
2 encourage, you know, the industry to help, if at all
3 possible, through -- you know, maybe we could get some
4 grants or if there's something to help through -- help
5 this Board over the next couple of years get educated
6 and help us make it through this.

7 MS. JAMES: That's what I was just going to
8 say. It seems to me that if any such --

9 MS. DIETZ: Yeah.

10 MS. JAMES: -- scholarship or whatever were to
11 be constructed, that it's more appropriate to come from
12 OGA and the industry.

13 CHAIRPERSON RIDDLE: Kevin.

14 MR. O'RELL: Kim, I just want to personally
15 thank you for all of your good work participating on
16 this Board over the last five years and particularly for
17 me in serving on the Handling Committee, working
18 together on the Handling Committee. The Handling
19 Committee and this Board to your comments --

20 MS. DIETZ: Which kept me up last night. I
21 think I got the fix, believe it or not. It came to me.

22 MR. O'RELL: So we welcome those comments and
23 review them and obviously, we have your phone number,
24 so --

25 MS. DIETZ: Yeah, yeah. And I'm not going

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1 anywhere.

2 UNIDENTIFIED SPEAKER: And your e-mail
3 address.

4 CHAIRPERSON RIDDLE: Gerald.

5 MR. DAVIS: Kim and the rest of the Board, the
6 topic of determination of synthetic versus nonsynthetic.
7 I think of what kind expertise we need, like a task
8 force-type input and there is people who would help us
9 determine that answer of what it is, so what we come up
10 with is not shot down by a lawsuit later on under --
11 science in general says uh-uh, that's not accurate, I
12 mean, you can't just say that, because it seems like a
13 very specific thing, chemically versus our professional
14 opinions.

15 MS. DIETZ: Yeah, and I think you have to --
16 that's valid, and Rosie and the Materials Committee did
17 a great job on really defining what synthetic means from
18 a scientific term. I think where we're lacking is maybe
19 the industry perspective and how we got to where we're
20 at today and we need to look at both of those and
21 possibly what was the intent of synthetic and you know,
22 we've all been around as you know and you know, my
23 revelation last night was really clearly defining, you
24 know, what so far have we allowed as a process and mix
25 the process with the term synthetic and I think we've

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1 got our answer. You know, task forces are great, but
2 I'm not sure whether we need one in this case. I think
3 we've got some good people on this Board right now and
4 good historians out in the audience to help fix this and
5 we should be able to do it.

6 CHAIRPERSON RIDDLE: And I'd just like to
7 point out that individual Board members or committees
8 can draw on outside expertise at any time and then the
9 sooner that a draft recommendation is posted for public
10 comment, the more the industry can focus and respond to
11 that language. So we're trying to get things up in a
12 timely manner. Nancy.

13 MS. OSTIGUY: Kim, I also want to thank you
14 for all your efforts. It was very much appreciated and
15 certainly helped me get up to speed on the Board. I
16 agree also that we do not have to use a scientific
17 definition of synthetic. We have words that we've been
18 using a long time. Organic -- we all use that in a way
19 that completely violates the scientific definition and
20 that's okay.

21 MS. DIETZ: Yeah.

22 MS. OSTIGUY: But what we have to do is agree
23 upon a definition. The law does this all the time,
24 where they define things and I look at them and go oh,
25 really. That doesn't look like the definition I know,

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1 but that's okay.

2 CHAIRPERSON RIDDLE: Rose.

3 MS. KOENIG: I just want to clarify that we --
4 perhaps for Gerald, we do have a definition in OFPA.

5 CHAIRPERSON RIDDLE: Yeah.

6 MS. KOENIG: All we can do is clarify words --
7 so we're not defining from that, it's just really -- the
8 definition's clarification of the terminology and the
9 one that's in here is chemical change and that's why
10 that document focuses on chemical change and we're bound
11 by that -- you know, we have to work within the
12 definition that exists and we -- there's some leeway,
13 but you can't create -- you can use examples to help,
14 you know, and that's where we need --

15 MR. DAVIS: That's what I was alluding to. I
16 often don't speak well. In pinning down that issue, how
17 do we do that without someone else shooting us down
18 later?

19 CHAIRPERSON RIDDLE: George then Andrea.

20 MR. SIEMON: Kim, you know all about our
21 processes here. There is -- you're not aware of
22 anything we didn't do today that was in our agenda and
23 like -- that might aid the situation?

24 MS. DIETZ: To have a definition by the end of
25 this --

1 MR. SIEMON: Yeah, is there any suggestion --

2 MS. DIETZ: George, I've been an advocate on
3 this Board to not rush things unless they're really
4 good, thorough thoughts. You're probably asking the
5 wrong person, but I think that, you know, I would make
6 this a priority for me and certainly give you my -- what
7 I think would work and it's fairly simple and that's
8 give it to the Processing Committee or the Handling
9 Committee and they can take it where it needs to go, you
10 know. We are where we're at and we can't go any faster,
11 but I don't want to go backwards.

12 CHAIRPERSON RIDDLE: Andrea.

13 MS. CAROE: I would like for the community to
14 know, if you don't know, the amount of work that Kim has
15 put in on this Board has been head and shoulders above
16 the average. I mean, she has done amazing work; it's
17 all been behind the scenes and come out with these
18 wonderful recommendations and policies that have built
19 what this Board does to the status of excellency and I
20 appreciate that. And also, I would like to recognize
21 the company you work for that has allowed you to commit
22 this time to this community.

23 You know, nobody ever talks about the folks
24 that we work for allowing us to do this and I think that
25 they deserve our appreciation, as well. Also, I know

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1 you kind of got cut off with the timer and I wanted to
2 know if you had any other guidance on your list because
3 I'm going to pick your brain every minute I can, so
4 starting right now I wanted to know if there's anything
5 else that you had that you were unable to get to?

6 MS. DIETZ: I breezed through it fairly
7 quickly and I got my main points. I think, you know,
8 the definitions, you know, we can all work together.
9 The industry needs to work together, that was my
10 conclusion. We have -- we've gone through -- and we'll
11 come to consensus one way or the other. I really -- I
12 want to leave saying that I am very concerned with the
13 attrition of this Board and whatever we can do to help
14 ease that pain of the new Board members and give you
15 what you need. I talked to a number of people over the
16 last couple of days and with my HR hat on -- I think at
17 the end of this meeting you should ask all the new Board
18 members what do they need from us and what can we give
19 them to help them make it through the next five years
20 over the next year and you know, assist you with some
21 kind of -- you know, here's what I would do if I were
22 you and you know, I'd be happy to stick around and talk
23 to new Board members and try to pull something together.

24 CHAIRPERSON RIDDLE: Thanks, Kim, and thanks
25 again for your service. It's always been a pleasure to

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1 work with you even when we've disagreed. Okay, Lynn
2 Coody and then Leanna Hoods.

3 ***

4 MS. COODY: Hi, everyone. My name is Lynn
5 Coody. For the record it's spelled C-O-O-D-Y. My
6 business, Organic Ag Systems Consulting, is located in
7 Eugene, Oregon and focuses on assisting certification
8 agencies with complying with requirements of both NOP
9 and ISO accreditation. I also serve as the current
10 chair of OTA's accreditation subcommittee. On the first
11 day of public comment, Bea asked us to tell her exactly
12 what we wanted, so I'm going to do just that. The two
13 things that I want the most are these: I want the NOP's
14 accreditation system to be managed in full compliance
15 with the International Standard for Accreditation, which
16 is called ISO 61. I also want the NOP to set up a peer
17 review panel as an integral part of the management of
18 the NOP's accreditation system.

19 When I can say it that way it sounds really
20 simple, but believe me, I've been trying to explain the
21 importance of these two statements to many people for
22 many years and I recognize that the subject of
23 accreditation is both complicated and detailed. So
24 today, of course, I can only present a very cursory
25 overview of this critically important element of NOP's

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1 responsibilities.

2 I'd like first, because I know some of you are
3 new -- you actually haven't heard me talk about this
4 before. Well, almost every single meeting for years
5 I've been talking about the same types of things, so
6 I'll give you a quick overview of what the subject is
7 about. Both the rule and the law require establishment
8 of a peer review panel as a way to provide regular
9 assessment of both -- of the accreditation functions of
10 the NOP. The rule in Section 509 provides specific
11 details about the function of the peer review panel,
12 stating that the peer review panel will review an
13 accreditation systems against both the rule itself and
14 ISO 61. The NOSB, a few years ago, made an excellent
15 recommendation about the structure and function of the
16 peer review panel, but the NOP has yet to institute the
17 panel.

18 However, in 2003, NOP did take a wonderful
19 step to get an analysis of its accreditation system,
20 which you heard about just a few minutes ago, by the
21 American National Standards Institute or ANSI. ANSI did
22 an audit and on January 14, the USDA, the NOP, released
23 the results of the report, which is great, because now
24 we all know what's in the report. The report, for those
25 of you who didn't get a chance to read this

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1 scintillating document, details 22, 22 non-compliances,
2 some significant enough that if they occurred in the
3 quality systems of a certifier, in my experience -- and
4 this is my area of expertise -- the NOP would not grant
5 accreditation to that certifier without requiring the
6 correction of these non-compliances, nor would the
7 USDA's audit review and compliance branch grant that
8 certifier ISO accreditation. So this is something we
9 should all look at.

10 So I only have a few seconds here, so I'll
11 just give you a few examples of these non-compliances.
12 One is the accreditation body does not have a detailed
13 description of the accreditation process, and even more
14 specifically stated, the NOP does not have a procedure
15 for granting, maintaining, withdrawing, suspending, or
16 denying accreditation.

17 The quality system. The NOP does not have a
18 documented quality system, including no document
19 control. There are no procedures for resolution of
20 complaints, appeals, and disputes against the
21 accreditation agent, itself. ANSI noted that the NOP
22 does not have systems in place for current internal
23 audits nor to analyze the result of the audits through
24 the formal systems required by ISO, called management
25 review. And also it's not clear who's authorized to

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1 review and approve the documents that go on the website.

2 Concurrent with the ANSI report, NOP released
3 its own responses to the report in detail, point by
4 point. In my opinion -- well, the USDA indicated that a
5 lot of current deductions were based on documentation
6 that's new. We have no verification of that, but I'm
7 sure they're working on it very hard and -- but we'd
8 like to -- I'd prefer it if we could see this in a
9 transparent manner so we could understand exactly what
10 the fixes are. Even more importantly, there's no system
11 in place for surveillance, which is continued oversight
12 of the fixes of these problems. In a normal
13 accreditation systems this does occur. For example,
14 there's a government agency called the National
15 Institute of Standards and Technology, specifically,
16 does have a program to oversee accreditation in the
17 organic industry. So in closing, I'd like you to
18 consider the many benefits of -- whoops.

19 CHAIRPERSON RIDDLE: You're on it. Closing.

20 MS. COODY: Okay. So basically, here are the
21 benefits of the ISO -- complying with ISO 61, as I see
22 it. One, better communication of the NOP's rules and
23 requirements to certifiers, farmers, processors, and
24 consumers. Two, rigorous, transparent, and equitable
25 application of accreditation requirements to all the NOP

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1 accredited certifiers located throughout the world,
2 indicating a trickle down of increased rigor and quality
3 in the systems used by both certifiers and producers.
4 And third, increased acceptance to the extent for the
5 NOP accreditation systems by other governmental
6 authorities. So that's my ending.

7 CHAIRPERSON RIDDLE: Thanks. Thanks, Lynn.
8 Any questions, comments from the Board? Hugh.

9 MR. KARREMAN: I was just wondering, being new
10 to the Board, I always -- you know, I mean, we're here
11 in the U.S. and everything, but there's, you know,
12 certifiers in other countries that are accredited. And
13 how often does the NOP need to, you know, kind of do
14 site visits on them and was there anything in this
15 report that said anything about that? I really don't
16 know.

17 MS. COODY: Yeah.

18 MR. KARREMAN: It seems so far away when it's
19 in a different country. We talked of pasture in this
20 country and you know, it affects other countries. And
21 how much do they look into those other certifiers?

22 MS. COODY: Well, the foreign certifiers
23 theoretically are handled exactly the same way as
24 American certifiers. They -- the NOP's program does not
25 require a site visit prior to accreditation. So most of

1 the time, all -- not all of the -- all of the foreign
2 certifiers were accredited, received accreditation prior
3 to the site visits. Now, though, the NOP has started
4 doing some of these site visits, and I think that
5 sometimes -- I know I've heard you talk about this a
6 lot, but I think that it was at this meeting where he
7 explained that process, where they had to have a chance
8 to come up to speed. It is difficult, though.

9 I personally work with a number of foreign
10 certifiers. It's difficult, I'd like to point it out,
11 for them to know what's going on, what changes have
12 occurred to standards and things like that. It's their
13 responsibility, though, to check the NOP website and
14 through other communications from the NOP to know what's
15 going on. That's why it's so important that these
16 documents are distributed in a transparent way, so not
17 just those of us who can attend these meetings, one way
18 or another, can know what's going on. That's why the
19 issue of transparency is so important, but especially
20 with regard to accreditation and certification of the
21 standard issues, in my opinion.

22 CHAIRPERSON RIDDLE: Thanks, Lynn. Okay,
23 Leanna Hoods, and then we'll take a break, and then
24 after the break the first person up will be Mark Kastel.

25 ***

1 MS. HOODS: Good morning. My name is Leanna
2 Hoods, I'm the Organic Policy Coordinator for the
3 National Campaign for Sustainable Agriculture. I'd like
4 to welcome the new Board members and thank the entire
5 Board once again for your incredible work. It's just
6 amazing. I really think over the years you've become,
7 every meeting, more and more efficient, and it's
8 unfortunate that it's not helping you get through -- it
9 seems like it's piled on more and more, but kudos for
10 all that you do. To the new members, I'll be giving you
11 a copy of a book of decisions by the NOSB in years prior
12 to 1997 and that -- and also, George, you get another
13 one because you lost yours, and anyone else who needs
14 another green book, ask me.

15 I have a list of comments, and so I'm just
16 going to whip through them. Regarding the directives,
17 I'd like to reiterate comments made earlier by others
18 regarding the fate of the directives. While we clearly
19 understand that NOP responses were sent up the line
20 months ago, it would be useful to see a posting that
21 either notes that the process outlined by NOP is under
22 way, or specifically, post the directives on the web as
23 deleted or rescinded so that -- because it's really of
24 no help to the community that is not present here, you
25 know, the majority of the community that doesn't come to

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1 these meetings to know -- they do not know about the
2 announcement, other than to look at the -- in detail, at
3 the transcripts. And so the standing of the
4 announcements becomes murky.

5 As noted in the ANSI report, there needs to be
6 clear control of documents. Once issued, then
7 rescinded and eventually archived. And these guidance
8 documents, the Federal Register notice on the guidance
9 documents, I think will absolutely help all of this to
10 really move in the right direction, but I think
11 something is needed soon, especially because you don't
12 know how long it's going to take to get down from above
13 to here, so if there could be a notice on a the website
14 that's clear.

15 General comments on the NOP process. I do
16 think full compliance to an ISO 61 quality system, as
17 described by Lynn, would put in place a participatory
18 transparent structure that would obviate, in many cases,
19 the reactive process that we find ourselves in. I think
20 I've noted many times I hope not to make a career of
21 coming here and saying, well, that's done poorly --
22 wrong, you know, and criticize it. We'll always be here
23 as advocates for organic integrity, but a process put in
24 place by detailed adherence to accreditation principles
25 is essential to the proper functioning of this program,

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1 and its absence will impede the progress made for a more
2 complete implementation of NOP.

3 I would like to address -- we've been looking
4 at public interest groups that have been working on the
5 petition process. You all suggested that if we saw a
6 need to take materials off the list, that we could
7 petition for that and I've been watching groups do it,
8 and the process is really hard and really burdensome.

9 But I remember -- I'm remembering the meetings
10 where you developed this process. It's an important
11 process to be detailed. So I'm asking, can you think
12 about, in all the other things you have to think about,
13 how we could make that process work the way you want,
14 when the materials look like they need to come off, that
15 there could be some sort of streamlined initial part of
16 the process. It's very burdensome for the public
17 interest community to compile what's required on a
18 petition. And I think it's a work-in-progress of how we
19 make that work for those that -- to get materials off.
20 But it's got to be a consistent process; so I'm just
21 bringing that up.

22 We'll also bring up, in relation to the public
23 interest community, the idea that Kim actually brought
24 up about the burden on doing this work on the whole
25 community and I think it's a great idea to think about

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1 scholarships for Board members that come off and that
2 are still willing to work. It's really important to
3 think about the volunteer hours that happen.

4 Also quickly, is there a way to figure out how
5 to stagger the NOP appointments better? You know,
6 that's another long-term piece. Also just quickly, in
7 the comment period that occurred on Tuesday, it occurred
8 to me that the -- is there a way to ask -- to have
9 questions that relate to a group who come to propose
10 something, be able to go back out, specifically with the
11 NODPA group that came. Several of them got up and the
12 questions were great, ongoing new things you thought of
13 that you asked someone who was speaking, but did not
14 necessarily represent that community. I'm thinking
15 specifically of how they got to the 30 percent consensus
16 on dry matter and would there have been a way to have a
17 conversation and say is there someone in the group who
18 represents the group that could tell us how you got
19 there, because you were talking to one member and they
20 may not have had the answer, and I don't know how you do
21 that when the commentary is so long. Anyway, great
22 work. Thank you very much.

23 CHAIRPERSON RIDDLE: Thanks. Hugh.

24 MR. KARREMAN: On your last point there, I
25 believe there were various people that spoke to that,

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1 how they came up with their numbers, at least to my
2 satisfaction.

3 MS. HOODS: Okay.

4 CHAIRPERSON RIDDLE: But that's just an
5 example. I think the issue she brings up is a good
6 challenge for us, how can we draw in or extend that
7 dialogue without showing favoritism --

8 MS. HOODS: Yeah.

9 CHAIRPERSON RIDDLE: -- as well, so -- Rose.

10 MS. KOENIG: I think, you know, as far as the
11 petition -- and Arthur's probably the best to let us
12 know about this, because some of it -- you know, the
13 completeness question really is answered at NOP, via the
14 sly [ph], but what I hope is happening is that -- you
15 know, I think, if everything was provided in the
16 petition, we wouldn't have to have a contractor, okay?

17 So I think that the concept is that, somebody
18 who's doing due diligence and doing the literature
19 review and really trying their hardest to obtain
20 information is in this category, but that's not to say
21 that you're identifying every single thing or maybe be
22 able to -- you know, to know the world, and that's where
23 the contractor, I think, confirms what's there and looks
24 for additional information. I think that the process,
25 you want that.

1 MS. HOODS: Yeah.

2 MS. KOENIG: And I think that there are groups
3 out there that are attempting this; I think that they
4 should, you know, do the best job they can and put it
5 through the process and let, you know, Arthur and the
6 folks at NOP to look at it and do that feedback and
7 again, you know, we can probably have him answer that.
8 But I think there is some flexibility there.

9 MS. HOODS: I appreciate that. I'll tell you,
10 though, literature was the biggest thing that several of
11 these groups came to us with saying that they're
12 overwhelmed with all of the literature.

13 MR. NEAL: Are we talking about the petition
14 process?

15 MS. HOODS: Yes.

16 MR. NEAL: The issue specifically with the
17 petition process is if you look at the petition of
18 ferric phosphate, there's only one person. He had two
19 weeks to respond to a TAP -- and he came back with
20 comments like this.

21 MS. HOODS: That's industry --

22 MR. NEAL: I understand. The thing is,
23 though, if you expect the Board to have the information
24 that they need to make an intelligent decision -- and
25 the material is very important to the industry, then you

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1 have to do due diligence to provide them with the
2 information. I mean, we tried the short-circuit method
3 and we -- for the livestock medication, and we're still
4 behind on it.

5 MS. HOODS: I understand. Well, it's just
6 that we're a bit -- the public interest groups are not
7 industry. Their interest is not economic to get them
8 off, it's -- and they're not paid to -- staff paid to do
9 this. That said, we are for a consistent process. So
10 I'm just talking about having a continuing conversation,
11 but -- and I take that point of view, as complete as we
12 can, that it goes out and that's really helpful.

13 CHAIRPERSON RIDDLE: Yeah. And you know, this
14 time there were a number of extenuating circumstances
15 that really compressed that, you know, public comment
16 time period way down, then what I've come full with as
17 chair, or a member of the public, when I've been on the
18 other side. So I think, you know, the point here is for
19 the Board to try and get its work done well in advance,
20 but also to not be afraid to set something aside in
21 recognition there hasn't been adequate time for public
22 consideration, too. That's a good decision in and of
23 itself when warranted. So thank you, Leanna.

24 And I just took a look at the numbers.
25 There's still 13 people signed up, which if everyone

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1 took five minutes, that would be 65 minutes with
2 absolutely no discussion. That's going to -- you know,
3 we -- it, you know, can fit, but we certainly need to be
4 disciplined. And I would suggest a 10-minute break. So
5 coming back at 10:15, but a little break --

6 ***

7 [Off the record]

8 [On the record]

9 * * *

CHAIRPERSON RIDDLE: I'd like to resume public comment and we have eight Board members in the room, so we have a quorum. We have nine, ten. Okay. And before we -- before we begin or resume public comment with Mark Kastel, I would just like to publicly acknowledge and thank, for the record, another Board member, Becky Goldberg, who, I understand, received your plaque of thanks in my absence. I didn't get a picture of you, but I would like to thank you for your contributions and it really has been a pleasure working with you, as well, Becky. And if you would like to give any remarks, you're welcome to, but you're not obligated.

22 MS. GOLDBERG: I just want to say thank you to
23 everyone and I'm going to miss you all. I see Jim has
24 his turkey, the stress turkey. I am so pleased.

25 CHAIRPERSON RIDDLE: Yeah. I explained that
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1 the stress squeeze toys came in a complete set of five.
2 We only had four Board members outgoing last time, so
3 we're stuck with the turkey here. And just -- I haven't
4 had to squeeze it yet, but I said it would a very bad
5 sign if people saw me squeezing the turkey. Thanks,
6 Becky. Okay, Mark Kastel. And up next is Arthur
7 Harvey.

8 ***

9 MR. KASTEL: Thank you, Mr. Chairman. And I
10 have a proxy here from Mary Ellen Franklin, who's a
11 Vermont dairy producer, but I'll try not to take the
12 full time here, though.

13 First of all, I really want to thank the
14 commitment of this Board and the retiring members. You
15 know, maybe it's time we thank your employer for the
16 largesse and support for this process, but maybe it's
17 time that we think about stipends in our budget in the
18 future, and appropriations to accommodate farmers and
19 you know, folks like Jim and Hugh, folks who don't have
20 a corporate backing to support this process, so that you
21 don't have to be injured financially for the kind of
22 time commitment you invest here.

23 I met with Robert Hadad and the Cornucopia
24 first point here and the Humane Society. Since we now
25 are considering identifying yeast as livestock, we want

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1 to go on record as opposing the factory farm production
2 of organic yeast. Look at the transcripts. And Robert
3 couldn't be here, so I have his proxy, too.

4 First of all, let me very sincerely thank the
5 Board and the NOP staff for the respect that you all
6 showed for the dairy farmers who made the trek here to
7 Washington and the seriousness in which you analyzed
8 their testimony. Thank you very much. And thanks to
9 Hugh for guiding the Board and the public through what
10 was a very emotionally charged issue and still is.

11 I think together, the organic community has
12 sent a clear and strong message to the investors who are
13 building these large industrial-scale dairies. We have
14 come together and we're still going to have some
15 additional public discussion. But we've come together
16 and things have really gelled here in the last few
17 months and especially the last few days. So I don't
18 think there's a lot of gray left anymore and that's what
19 the farmers really came here to Washington to
20 accomplish.

21 There was -- and just to make sure that your
22 comfort level's high, there was some references to the
23 5,000 comments that came in, which is substantial. It's
24 really over 8,000 comments when you look at what was
25 submitted before the meeting, submitted from groups

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1 like, not only the Cornucopia Institute, but Northeast
2 Organic Dairy Producers, Organic Valley, and Organic
3 Consumers Association, and I'm still getting them on my
4 -- you know, I haven't been able to print them out and
5 I'm still getting them on my laptop at the hotel. More
6 importantly, the dairy farmers who were here, I really
7 want to emphasize, were not just a few, a sampling of
8 dairy farmers from Maine to California, they were the
9 officers and directors of the Northeast Organic Dairy
10 Producers Alliance, the Midwest Organic Dairy Producers
11 Alliance, the Western Alliance, and this ad hoc group
12 they call the National Interstate Conference Calls,
13 where they've all worked together. So the people you
14 were hearing represent a lot of folks.

15 And those groups -- it was the front article
16 on the NOFA, NODPA -- I don't know how to say that --
17 Northeast Organic Dairy Producers newsletter. They
18 included a sample letter and instructions on how to
19 participate. It was posted on their website. The
20 Cornucopia Institute has now developed a nationwide
21 database of organic farmers, not just dairy farmers. We
22 put that out. So I guarantee you that the majority of
23 all dairy producers in the United States knew about this
24 meeting, knew about how to participate, and we received
25 zero correspondence that didn't support those tighter

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1 standards that you folks helped incorporate. So I don't
2 know what we'll hear in the future on the comments, but
3 I'm really confident that you folks acted in consort
4 with the feelings of the dairy farmers around the
5 country.

6 The next point, though, is we really want to
7 encourage this Board as we go down the road to visualize
8 and concentrate on transparency. Because as we've tried
9 to take a look at some of the farms that are operating
10 in this country, not just dairy farms, we've run into a
11 brick wall. And in LaCrosse, at the Midwest conference
12 last week, Roger Goldbaum [ph], one of our policy
13 advisors and -- on our policy board and someone who I
14 think a lot of folks in the community trust -- I've got
15 the proxy, too. Thank you. We're really bemoaning the
16 fact that when we asked to take a look at farm plans,
17 when we've asked for any information, we can't get
18 anything, zero. It's all proprietary and protected.

19 When we started working in the '80s to try to
20 come up with a regulatory system with integrity, we
21 thought that a consumer could say -- go to a retailer
22 and say, how do I know that's organic, and that there
23 may be an audit trail, a paper trail all the way back
24 down to the farm, that the manufacturers, be it Organic
25 Valley or Horizon or whoever they are, we would say, how

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1 do I know this particular product's organic? They'd say
2 these are the farms that produced it and here's how the
3 farms are managed. But there's a total disconnect out
4 there. There's a blanket of secrecy. And yes, there is
5 proprietary business information that needs to be
6 protected, but I don't know what that would be on a
7 dairy farm, because we got grass, we got genetics, we
8 got the mechanical infrastructure to a dairy farm and
9 all that is pretty much open domain. And if somebody is
10 doing something special, by all means, they should be
11 able to protect that.

12 I once visited the Stony Field [ph] plant 10
13 or 15 years ago and they feel that their incubation
14 process is very special. I couldn't get in that room,
15 no pictures, that's it. Well, let's respect that. But
16 on a farm, no matter what you're producing, and as an
17 ex-certified organic producer, I'm not sure what should
18 be secret. So sunshine is a great disinfectant and we
19 need more of that.

20 In terms of Aryan influenza, I wanted to just
21 briefly comment to please --

22 CHAIRPERSON RIDDLE: That'd be avian.

23 MR. KASTEL: Avian. What'd I say?

24 CHAIRPERSON RIDDLE: You said Aryan.

25 MR. KASTEL: Okay. I read the Washington Post

1 this morning and I'm really saddened, you know, at what
2 happened to that judge's family in Chicago, so it's
3 unfortunately a little engrained in my mind.

4 Avian influenza. I really want this group to
5 weigh all testimony very carefully. And you know, this
6 is a serious matter. But we're looking at Cornucopia a
7 number of these -- particularly, egg laying operations.
8 And some of these industrial dairy setups that we've
9 discussed, and some of these egg producers, are very,
10 very large split operations. They are industrial farms
11 first and organic farms second. And some of them is the
12 reason we're looking at questionable commitment to
13 access to outdoors. And so if there are special needs
14 in terms of bio-security on some of these very large
15 split operations, we don't want to put the smaller
16 units, who are really doing this ethically, at a
17 competitive disadvantage. You know, I have to ask the
18 question, is this a back door into confinement in large
19 industrial operations?

20 And I do want to -- I found Lynn Coody's
21 comments on the ANSI report, you know, very concerting
22 and we want to work with the NOP and especially if we
23 don't have adequate staffing levels. You know, we've
24 discussed the fact that we're being shortchanged in the
25 organic community in terms of research dollars. And you

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1 know, we're not getting anywhere near the one or two
2 percent that our industry represents in terms of
3 research and we could certainly build a bigger and
4 better organic movement if we had that. But we also
5 should have a proportionately represented staff presence
6 supporting this, you know, almost \$15 billion industry
7 now. And you folks need the tool if you need to
8 communicate with us when you don't have adequate
9 funding.

10 And in closing here, I'd like to just read the
11 comments of Mary Ellen Franklin, relating to the Harvey
12 v. Veneman ruling in terms of the transition for dairy
13 animals. Because this is a very serious matter, most of
14 us are committed in this room to family farm agriculture
15 and it's one of the prime drivers that keeps the
16 consumers committed. And she writes that our -- and by
17 the way, this was posted on the ODAIRY list serve and I
18 asked her for permission to read it today and it was
19 posted in January.

20 "Our farm has just recently completed its
21 organic transition, 12/04." Excuse me. "We just
22 received our first organic milk check this week. When
23 we started the final three months, we were outside with
24 our grain company, knowing that we would not be able to
25 keep up with the grain bill while receiving conventional

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1 prices and we are well aware of the fact that the
2 conventional price has been good as of late." So I
3 mean, historically, this would be even harder. "Our
4 grain company has been very good to us and we will catch
5 up with them on the grain bill as soon as possible.
6 There is no way we could've asked them to do the same
7 thing if transition had required a full year of organic
8 grain. This is one farm that couldn't have done it
9 without the 80/20 rule. The 80/20 rule has to stay in
10 place or be brought back. I'm not sure how the rule
11 stands at this time. There are many transitioning farms
12 out there that shouldn't have the rug pulled out from
13 under them now. The world needs a lot more profitable,
14 sustainable, environmental-friendly, cow-friendly,
15 family-friendly, grass-based dairies. Mary Ellen
16 Franklin, the Franklin Farm, Gilford, Vermont." And
17 that's the extent of my statements.

18 CHAIRPERSON RIDDLE: Thanks, Mark.

19 MR. KASTEL: Thank you very much.

20 CHAIRPERSON RIDDLE: Hugh.

21 MR. KARREMAN: Just maybe a question -- or
22 just a statement. With the trace-back that you were
23 wondering about, you know, this is kind of maybe
24 parallel to that, but with the mad cow, you know,
25 disease that has happened at one time in this country

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1 now officially, you know, the -- I forget which segment
2 -- the USDA and other segments of the cattle industry
3 are doing -- are going to be mandating that cattle are
4 identified properly. So that might help somewhat, but
5 that's mainly from a slaughter standpoint looking
6 backwards, if needed. But -- you know, so it is
7 possible to actually -- I think it's still in its
8 infancy, but the trace-back system here in the United
9 States in agriculture is certainly beginning.

10 MR. KASTEL: Well, there's a lot of focus on
11 beef. Yeah, I'm going to turn this over to somebody
12 else. You know, New Zealand's a model for that.

13 CHAIRPERSON RIDDLE: Thanks. A new point.
14 Okay, Bea.

15 MS. JAMES: This actually has to do with the
16 information regarding three cows per acre, 120 days, 30
17 percent, and it's my understanding that your
18 organization really helped to collate all of that
19 information.

20 MR. KASTEL: Well, we supported the process
21 with the dairy -- it really came from the dairy
22 producers, not Cornucopia. We technically supported
23 them and we supported them in getting the word out.

24 MS. JAMES: Okay. All right. I'm looking for
25 a way for that survey to be put together in a

1 spreadsheet so that the averages can -- we can actually
2 look at those averages and have, you know, documentable
3 proof as far as 30 percent and 120 days.

4 MR. KASTEL: We'll ask something to be
5 submitted, but what they really did is they started at
6 much higher figures and they were trying not to lock
7 people out --

8 MS. JAMES: Right.

9 MR. KASTEL: -- based on geography, based on
10 the areas of the East Coast that were colder, and we had
11 areas in -- particularly out west that get 60 inches of
12 rain that could have stocking levels --

13 MS. JAMES: Sure.

14 MR. KASTEL: -- higher than three and we were
15 trying -- the dairy farmers were trying to make sure
16 that it was very reasonable levels that wouldn't shut
17 either anybody who's producing -- today or somebody who
18 really wanted to do a good job to have pasture. These
19 are not the ideals. Most of the farmers who appeared
20 today have much lower stocking levels and higher --

21 MS. JAMES: Sure.

22 MR. KASTEL: -- dry matter intake.

23 MS. JAMES: Yeah. And I understand that, but
24 I think it would be helpful for the Board if we actually
25 could take a look at that spreadsheet --

1 MR. KASTEL: We'll collaborate with them and
2 we'll submit them to the Board --

3 MS. JAMES: Thank you.

4 MR. KASTEL: -- during the comment period.

CHAIRPERSON RIDDLE: Okay, thanks, Mark. And next up is Arthur Harvey and then Dave Engel. And as Arthur's making his way up, I would just -- I would remind Board members to please limit your comments or questions because we have a number of people signed up. The comment period ends at noon and if we're taking time in our discussions, we're going to take time away from people's even ability to offer their comments, even though they signed up. Thanks. Arthur.

14 * * *

15 MR. HARVEY: Arthur Harvey. Yesterday after
16 the chair -- the chair announced the adjournment of the
17 public questions until eight o'clock this morning, I
18 left the room with other members of the public. Shortly
19 after that, the NOP staff called the Board to reassemble
20 away from the recording system or the press and other
21 interested parties. Then the NOP proceeded to present
22 the one-sided version of a private meeting between
23 myself and the NOP, which had been called for the
24 ostensible purpose of seeking agreement on a joint
25 proposal for summary judgment. Of course, exploratory

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1 ideas put forward during such a private meeting are not
2 correctly described as the true position of the party in
3 this NOP tactic.

4 By accident, I was able to hear the latter
5 part of this NOSB meeting, but was denied the chance to
6 reply except during my five minutes before you today.
7 Of course, I could not possibly reply to allegations
8 when I don't have access to the complete text, for a
9 time, equivalent to what the NOP had. I hope the Board
10 will resist any future activities that discredit the
11 process and which may be illegal. Secondhand and
12 fragmentary quasi-legal opinions do not cut it.

13 Now that the NOP has abandoned any serious
14 interest in achieving an agreement, I can discuss two
15 issues. Section 606 of the rule disallows all
16 non-organic ingredients in processed foods except for
17 the five listed ingredients. This applies to organic as
18 well as "made with" organic products according to 606.
19 When I asked how they proposed to deal with thousands of
20 "made with" organic products currently out of compliance
21 with 606, the NOP's answer was a denial that this is the
22 case. We have not received any compliance, they said.

23 Well, 606 has been in effect for several
24 years. Almost everyone in this room knows, I dare say,
25 that virtually every "made with" organic product

1 contains up to 30 percent ingredients that are not
2 listed in 606. The NOP will not admit this and I can
3 think of only two possible reasons. Number one, total
4 ignorance of the real world of organic marketing. Or
5 number two; I will not describe this other possibility.

6 My other subject is the NOP effort to expand
7 the scope of the appeals court ruling so that it would
8 forbid synthetics in "made with" organic products. This
9 I will call the NOP's doomsday scenario, or it would, if
10 successful, bring the industry to its knees. An agency
11 that is supposed to serve organic producers and
12 consumers is engaged in a vigorous attack on one segment
13 in that industry, or perhaps the entire industry, by
14 mobilizing forces to rock the very foundation of the law
15 and Congress, given that OFPA was approved in the House
16 originally by a single vote, which may well succeed, and
17 has completely unpredictable consequences.

18 In passing, I should mention that the U.S.
19 attorney in Maine initially agreed with me that the
20 court judgment does not extend to "made with" organic
21 products, but he reversed that opinion upon hearing his
22 client's wishes. Of course, the U.S. attorney must
23 represent his client, which is the NOP, but he also has
24 a duty to the appeals court. We shall see what that
25 means in practice. Here's a letter by a competent

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1 Washington attorney which addresses this matter. Unlike
2 the NOP position, which is not given in writing in
3 written form with any backing from an attorney willing
4 to accept responsibility for the opinion, this letter is
5 signed.

6 CHAIRPERSON RIDDLE: Yeah. Closing remarks or
7 are you providing a copy of the letter for the record?

8 MR. HARVEY: Well, I could --

9 CHAIRPERSON RIDDLE: There wouldn't be time to
10 read it, but --

11 MR. HARVEY: I could make copies, but I don't
12 have a copy at the moment. Would you like a copy later?

13 CHAIRPERSON RIDDLE: Well, you referenced the
14 letter, so it's in the transcript, but yes, then the
15 letter itself should be entered in the record. So if
16 you can get --

17 MR. HARVEY: I'll get some copies.

18 CHAIRPERSON RIDDLE: Great.

19 MR. HARVEY: I'll bring them back.

20 CHAIRPERSON RIDDLE: Thanks, Arthur.

21 MR. HARVEY: Okay.

22 MR. HARVEY: Okay, Dave Engel, then Brian
23 Baker.

24 ***

25 MR. ENGEL: My name is David Engel. I want to
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1 thank everybody for this opportunity. I'm a dairy
2 farmer and I'm the Executive Director of the Midwest
3 Organic Services Association. I have spent the last 25
4 years along with my family milking cows and doing
5 administrative work in the organic industry. I was one
6 of the original crop -- the seven-crop dairy farmers and
7 one of the original pioneers to develop organic dairy
8 standards and I have spent the last 17 years working for
9 these standards. Most -- at this time, certified is 291
10 dairies, one of which is a goat dairy doing very well.
11 He markets off of his own farm.

12 And my main concern today, per the last couple
13 days of testimony and discussion, is a tendency here for
14 the community to represent and try to address a
15 regulatory issue via philosophical and cultural
16 differences. And you know, in simpler terms, that's --
17 we're taking the reins and trying to make them address
18 corporate versus a small farmer, big versus small
19 concerns. And I, as a farmer, much less a certifier, I
20 have concerns with that. That is resulting in
21 specificity in the rule and I don't think we should go
22 there. There's an old saying, how blessed is the one
23 who can from holy water run, and I would urge you to not
24 to adopt specificity in the rules.

25 I did take a bit of time here in the last

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1 couple of days to talk with a couple of dairy farmers
2 back in our area, one is certified by MOSA and one is
3 certified by Oregon Tilth; they are both part of the
4 original seven-crop dairy farmers and both of them,
5 along with my farm, are going to have challenges to meet
6 the specificity that is being put into the rule, much
7 less the specificity that is being talked about, for
8 example, the number of cows per acre.

9 On other matters, I would like to show support
10 for four different topics here. One is I'm looking
11 forward to an executive director being hired for the
12 NOSB and I'm looking to -- forward to a final
13 collaboration document implementation. I'm looking --
14 I'm impressed with the content of the NOSB, I have been
15 all along. And I would echo several of the comments
16 recently as to -- Kim called it the attrition on the
17 Board, which may not be quite the right term, but there
18 is people coming onto the Board and leaving, and the
19 training that's going to be necessary for that, to
20 maintain the dynamic ability to grasp the fine details
21 -- that are coming up here quite often.

22 The continued development of the National
23 Organic Program via timely compliance with the recent
24 ANSI audit, I'm looking forward to that. I have two
25 questions. Will this be on an annual basis as it is

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1 with ACAs or not and what place will the mandated -- the
2 law -- rule-mandated, PRP, the peer review panel, play
3 in the near future, vis-à-vis the recent ANSI audit
4 report? And last but not least, the recent -- I'm going
5 to call it the bounces of the ball of the Arthur Harvey
6 case through the different literal and figurative
7 courts, I hope -- I sincerely hope that all due
8 consideration and discretion can be taken that can be
9 taken will be taken by both the NOSB and the USDA as the
10 next steps in deliberations take place for the benefit
11 of the entire organic community. Thank you.

12 CHAIRPERSON RIDDLE: Thanks, Dave. Okay,
13 Brian Baker, and you have a proxy from Dave DeCou. So
14 next up will be Urvashi Rangan. Is Urvashi here? Okay.
15 But I do see that Jay Feldman has arrived. He signed up
16 and his name was called earlier. So Jay, would you like
17 to speak next, Jay Feldman? Not immediately, but on
18 deck. I take that as a yes. Brian, please proceed.

19 ***

20 MR. BAKER: Thank you, Mr. Chair and members
21 of the National Organic Standards Board. I'm very
22 pleased to be here. I appreciate all the work you're
23 doing and I had a lot to say when I got here on Tuesday,
24 and with each passing day and deliberation and action, I
25 had less to say. So I'm going to get through very

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1 quickly. I just wanted to introduce myself to the new
2 Board members and just say that OMRI is a nonprofit that
3 provides independent, transparent professional review of
4 materials and processes compatible with organic
5 production and handling, and we publish a generic
6 materials list and a brand name products list to serve
7 the industry and the public. We're committed to
8 continuing our work with the National Organic Program.
9 At the last NOSB meeting we talked about our -- the work
10 that we are doing and getting recognition from the
11 National Organic Program for the work that we've done
12 prior -- since prior to the implementation and
13 propagation of the National Organic Program, and we hope
14 to continue to be serving the industry with quality for
15 years to come.

16 I'd like to offer a few opinions about
17 synthetic and nonsynthetic. That's something we deal
18 with every day, certifiers deal with every day,
19 producers deal with every day, handlers and processors
20 deal with every day, people make decisions in production
21 and handling all the time based on whether something is
22 synthetic or not. Every single one of those decisions
23 with -- it would not be practical for every single one
24 of those decisions to be brought before the National
25 Organic Program or the National Organic Standards Board.

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1 It's imperative that we're all on the same page so we
2 all know what we're talking about when we talk about
3 what's natural, what's synthetic, what's nonsynthetic.
4 And I applaud Rose's work in helping to bring about
5 clarity and consistency there, but we still have a ways
6 to go. We still have a lot of work to do.

7 And it's -- something that I should I mention
8 is that we also, from 1999 to 2002, OMRI was the TAP
9 contractor and offered a little bit of, you know, a few
10 observations that are based on our experience, but it
11 was not an easy job and my sympathies to the new
12 contractors. I wish them well. The -- I'd like to say
13 this, as far as the petitioned substances go and the
14 content of petitions, it's often the case that a
15 petition is going to be biased so that it's perceived as
16 favorable and that's one of the more difficult tasks
17 before the contractors or the NOSB, to get the facts and
18 to see if a petition's complete, if it's accurate.

19 And it's -- we've been put in a difficult
20 situation with respect to some of the petitioned
21 substances before you, both at previous meetings and the
22 current meeting because we've had access to information
23 and again, it's been difficult for us to bring it forth
24 because it's either confidential business information
25 that is given to us by our applicants or we've had

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1 access to information in -- through other channels,
2 based on our expert advisory council or our review panel
3 members.

4 So coming to you and commenting on those
5 petitions is a delicate subject and one we want to do
6 with great consideration and deliberation. Two weeks
7 prior to a meeting does not give us sufficient time.
8 The 90-day period that we had to comply with when we
9 were doing the TAP contracts, it was often difficult to
10 meet, but we were -- if that was expected and demanded
11 of us in order to give the public, the petitioner, and
12 everyone time to respond and get accurate information
13 and complete information before you so you can make
14 sound decisions.

15 I'll skip over a few other things I was going
16 to say and get to seeds. OMRI has an organic seed
17 database. It's mentioned in your proposal. It's one of
18 a growing number of databases out there and you know, in
19 some ways it's -- it's not really clear if it's ever
20 going to -- if we're ever going to have a single
21 comprehensive database that will be able to provide the
22 real-time inventories that can give the information
23 needed to determine commercial availability. Our board
24 is -- told us that if we can't do it right, we're not
25 going to do it all.

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1 We've got a database, ATTRA's got a database,
2 OTA's got a database, OCA has a database, they're --
3 none of these databases are being used to their full
4 potential. They are not being of service to the seed
5 suppliers, they're not being of service to the
6 certifiers and they're not being of service to the
7 organic farmers. We need to come up with something
8 that's going to work for everybody. And a couple of
9 observations there, we're going to need to have a more
10 clear procedure of what's expected of an organic farmer
11 who wants an exemption from that. The lines need to be
12 drawn very clear. Asking three suppliers and getting
13 three answers, we've found that that is arbitrary. That
14 is also subject to manipulation in some cases; an
15 allegation that's been made by the suppliers who use our
16 listing service.

17 So the other thing is that this question of
18 equivalent varieties, we believe that's best undertaken
19 by a jury of people who have experience with breeding
20 and selection and development. So those -- that's a
21 service that we're very interested in providing, but
22 like I said, if we can't do it right and we don't have
23 clear guidance on what to do, then we'll leave it for
24 somebody else, so -- finally, I'd like to end with an
25 offer of service to you. We want to share with you our

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1 expertise. Like I said, we have an advisory council
2 that consists of many former National Organic Standards
3 Board members, experts in industry, academia, and the
4 public interest sector, and we want to -- we have a
5 broad, open, transparent process that includes all
6 stakeholders and we think we can be of service to you.
7 So let's know us how we can help. Don't just wait until
8 there's an NOSB meeting to ask a question. Thank you.

9 CHAIRPERSON RIDDLE: Thanks, Brian. Okay,
10 Jay Feldman, and then next up would be Joe Mendelsohn
11 [ph]. I haven't see Joe. Is there someone to speak on
12 his behalf? No. Then Joe Dickson would be next.

13 ***

14 MR. FELDMAN: Hi. Good morning. Thanks, Jim.
15 I apologize for not being able to be here at the whole
16 meeting. I actually just got back from the Learning
17 Disabilities Association meeting out west, and I can
18 tell you --

19 CHAIRPERSON RIDDLE: Did you give your name
20 and affiliation for the record?

21 MR. FELDMAN: Jay Feldman, Beyond Pesticides
22 in Washington, D.C. -- that people across this country
23 who rely on organic being a pure standard, especially
24 when it comes to sensitive individuals whose immune
25 systems and nervous systems are damaged. The organic

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1 industry is successful, we believe, in large part
2 because of the trust that exists between organic
3 consumers and the industry. Our organization is trying
4 to bridge that since its very inception, working with
5 small farmers and consumer organizations. Consumers are
6 willing to pay a premium price for organically labeled
7 food in order to provide healthy food for themselves and
8 their families and also to support sustainable
9 agricultural and processing practices.

10 In order to maintain this trust, consumers
11 must feel confident that practices and materials used by
12 organic growers and processors adhere to the highest
13 standards and provide labeling disclosure when there is
14 not -- when this is actually not possible. And in
15 designing the law back in the late '80s, this issue was
16 at the top of the list and I guess it continues to be at
17 the top of the list today. The role of the NOSB is
18 extremely important in this regard, not only in carrying
19 out its statutory duty, but to serve as a check on the
20 USDA and the USDA's compliance with the law.

21 Beyond Pesticides joined as an amicus in the
22 Harvey case because of the strongly held belief that
23 organic practices are the solution to the pesticide
24 problem and that's why we believe the organic industry
25 has grown to what it is today, because of informed

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1 consumers going to the marketplace for an alternative, a
2 meaningful alternative to chemical-intensive agriculture
3 and the food produced off of that land. To the extent
4 that the organic industry or the organic solution is not
5 viewed as meaningful or is eroded over time, then
6 consumers will not support it.

7 I'd like you to note, please, that the issues
8 that are in the Harvey case were issues that we
9 commented on specifically back in June of 2000 during
10 the public comment period, saying that truth in labeling
11 requires differentiation, as the law does, between
12 organic products and those products made with select
13 organic and synthetic ingredients. The Sierra Club did
14 the same at that time. The Sierra Club said the USDA
15 should note OFPA does not provide on the National List
16 for a class of synthetic substances to be used in
17 processed foods labeled or sold as organically produced.

18 And I think the -- history and the record and
19 the intent will show that that applies to the 95-5 only
20 and it does not, as I take it, NOP -- this preliminary
21 position is that -- to the "made with" category as well.
22 This position grows out of the discussions during the
23 drafting of and leading up to the passage of OFPA in
24 1990. The consumers who currently support organic in
25 the marketplace are making an informed decision to

1 purchase, as I said earlier, outside the conventional
2 chemical-intensive food production system, expressly
3 because of concerns associated with the use of chemicals
4 in the production and processing.

5 While it has been established that USDA
6 allowance of synthetic materials in organically 95-5
7 labeled food products is in violation of the law, some
8 are citing or raising the question as to whether the law
9 needs to be changed to reflect current realities of
10 synthetic chemical use that has emerged under the
11 current misapplication of the law. The real question
12 from our perspective is the proper labeling. Really,
13 it's the labeling, from our perspective, of processed
14 organic products, not the viability of organic
15 agriculture processing. That's a clear distinction
16 there.

17 These issues need further discussion, but must
18 be addressed and resolved in the context of consumer and
19 industry viewpoints, resulting in a plan for moving
20 forward that protects organic integrity and most
21 importantly, consumer trust, which obviously, I've used
22 that term numerous times. And we feel it's very
23 important that the beauty of OFPA is the opportunity, we
24 believe, to label products in a manner that conveys
25 clearly to consumers what is in the products that they

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1 are buying; that the five percent in 95 percent
2 organically labeled process products is reserved for
3 nonsynthetic -- non-organic ingredients, when necessary,
4 is clear to us and it's clear in the law and that's
5 where we sat down on this. I'll skip over some of the
6 other comments and let that -- that them be in the
7 record , please, but --

8 CHAIRPERSON RIDDLE: Yeah, summarize your
9 conclusion. You weren't given the warning, so --

10 MR. FELDMAN: Okay. One thing I'd like to say
11 is this whole issue raises this whole issue of good
12 government. You know clearly that just over six months
13 ago the USDA issued a directive which allowed for
14 across-the-board uses of certain inert ingredients.
15 While the directive was withdrawn shortly after its
16 issue, it represents a pattern, we believe, of
17 government action that erodes public confidence in the
18 process or in organic.

19 Clearly, the reversal of that was a good thing
20 and we appreciate the work that the NOSB did in that
21 regard. The progress -- and here's the conclusion. The
22 progress that has been made in the organic sector and
23 the growth in consumer support for it is incredibly
24 gratifying, and given -- and gives us a great sense of
25 hope for future opportunities. We realize that we still

1 face enormous challenges in many of the food production
2 processing issues. Our greatest hope is that consumers
3 and food producers will continue to work together to
4 meet these challenges rather than defend them away, and
5 clearly we're open, as I'm sure others in this room are,
6 to collaboration and working to try to resolve this.
7 Thank you for the opportunity.

8 CHAIRPERSON RIDDLE: Thanks, Jay. Rose.

9 MS. KOENIG: So I'm trying to get it clear.
10 Are you -- were you suggesting that perhaps the labeling
11 regulations is a place to seek some kind of resolution
12 as far as, you know, dealing with the regulations
13 without going back to OFPA?

14 MR. FELDMAN: Yes.

15 MS. KOENIG: And can -- do you have any
16 written suggestions that you might be able to provide?

17 MR. FELDMAN: Well, you know, we've been
18 trying -- we have a working group. I think that others
19 may have referenced this, and our hope is that in
20 collaboration with industry and consumer groups we can
21 resolve that issue as a labeling issue and move forward
22 on the restraints and parameters of OFPA. So we can
23 submit those and would like to when we've completed that
24 process.

25 CHAIRPERSON RIDDLE: Thanks, Jay.

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1 MR. FELDMAN: Thank you very much.

2 CHAIRPERSON RIDDLE: Okay, Joe Dickson, and
3 then next up, Leslie Zook.

4 ***

5 MR. DICKSON: Good morning and thank you for
6 this opportunity to speak here. I wanted to talk about
7 an issue which came up yesterday regarding the
8 certification of retailers and the listing of the
9 certifying agent's name on packaged products. Whole
10 Foods Market supports the Board's decision to return its
11 recommendation to the Accreditation and Certification
12 Committee for further review and discussion. The
13 recommendation on certified retailers and private label
14 products relies on a simplified example scenario which
15 does not reflect the complexity of businesses such as
16 ours.

17 We ask that the committee develop a
18 recommendation which clearly differentiates between
19 retailers who are also acting as processors and who have
20 obtained separate handler certification from retailers
21 who are simply re-labeling products and putting them in
22 their voluntary retail certification.

23 The example scenario provided in the
24 recommendation supposes a retailer which has undergone
25 voluntary retail certification and then sells organic

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1 products which are produced by a third party with their
2 labels provided by the retailer. Those labels show the
3 name of the certifying agent which has certified the
4 retailer's retail certification. In contrast, our
5 private label products show the certifier name, which
6 reflects the separate and distinct certification of our
7 private label division, not our voluntary retail
8 certification.

9 Whole Foods Market 13 separate organic
10 certifications, our retail certification, a separate
11 handler certifications for each our eight regional
12 distribution centers, handler certifications for each of
13 our bake houses and a handler certification for our
14 private label division, which produces our store brand
15 products. We have never understood the rules that allow
16 for retailers to create processed organic products under
17 their own label without separate handler certification.

18 As a point of clarification, there is no
19 retailer certification, or retailer classification for
20 certification. A retailer is technically a handler and
21 retailers who do not act as processors are exempt from
22 the requirement for handler certification. Once a
23 retailer becomes a certified handler, whether
24 voluntarily or because the retailer is acting as a
25 processor and thus not exempt from certification, that

1 retailer becomes a handler under the rule, including the
2 part of the rule which requires that the final handler
3 and its certifier be identified on the label.

4 While we don't own or operate a single
5 processing plant, our company contracts with hundreds of
6 vendors to produce our organic products. Far from
7 passively selecting pre-existing products from the
8 vendors to produce our organic products -- I'm sorry.
9 Far from passively selecting pre-existing products from
10 the warehouse shelves, our buyers specify the source and
11 the quality of our ingredients, they exert control over
12 the manufacturing processes and they make other
13 specifications which we believe qualify our business as
14 engaging in the act of processing as defined in the
15 rule. Unlike the retailer in the committee's example,
16 Whole Foods Market does more than simply re-label and
17 distribute the products. Most of these products would
18 not have existed in organic form if not for our buyers'
19 demands. We take full financial and legal
20 responsibility for our private label products.

21 When a retailer has obtained separate handler
22 certification for its private label products, that
23 certification should sufficiently verify the organic
24 integrity of the product being sold. And when a
25 retailer is certified as a handler, they become the

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1 final handler in the chain of custody of the product.
2 The label should not be required to bear the name of the
3 prior certifier in the chain of custody. Sections
4 205.2, the definitions, 205.303(b)(2) and 205.304(b)(2)
5 provide a regulatory basis for this distinction.

6 The Handling Committee's recommendation and
7 the ensuing discussion yesterday made it very clear that
8 there's a need for clarification regarding the
9 definition of the phrase "otherwise manufactured." If
10 the act of simply re-labeling a product with one's own
11 brand name constitutes "otherwise manufactured," then
12 the retailer in the example is not -- certified. That
13 retailer is required to be certified because it is
14 technically acting as a processor and thus not exempt
15 from the requirement for certification. We ask that
16 NOSB and NOP carefully consider the issue of retail
17 certification and the very gray area at the root of this
18 disagreement. What does it mean to otherwise
19 manufacture? We strongly believe that issue needs to be
20 addressed so that the certification requirements for a
21 retailers, private labelers and processors are clear to
22 all stakeholders. Thank you.

23 CHAIRPERSON RIDDLE: Thanks, Joe.

24 MR. DICKSON: Thank you.

25 CHAIRPERSON RIDDLE: Leslie Zook and then --

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1 then I have some written comments that I'll summarize
2 from David Granatstein, and then Cissy Bowman would be
3 the next live commenter.

4 UNIDENTIFIED SPEAKER: Pardon?

5 MS. ZOOK: I have a proxy --

6 CHAIRPERSON RIDDLE: Oh, okay.

7 ***

8 MS. ZOOK: I'm Leslie Zook from Pennsylvania
9 Certified Organic and I've been -- I must say, I heard
10 Kim's concerns about the Board attrition and I thought
11 he said nutrition. I've seen you all eating that whole
12 food, so I didn't really understand that. But since you
13 brought that up, I have been thinking about that a lot
14 and I would feel really bad about trying to rely too
15 much on the outgoing Board members, because five years
16 is a long time. And I thought if maybe you could look
17 into the procedures and there might be a way to go back
18 and figure out a way to re-stagger your terms, because
19 if three people went off the Board each year, and three
20 times five is fifteen, I think that would work -- it
21 seems like it wouldn't be as critical to bring people up
22 to speed. I'm not sure how that would happen, but you
23 know, I just wanted to kind of throw it out there.

24 We talked a lot about pasture guidance and --
25 I really want to encourage you to continue to work on

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1 these guidance documents and not be put off by worrying
2 that they don't have any teeth. I don't want you to get
3 discouraged about that, because although that's
4 absolutely true at the enforcement level, these
5 documents are extremely important for the producers at
6 the farm plan level.

7 And you know, I guess I'll give you an
8 example. If we don't have any of these guidances, which
9 we don't on pasture right this minute, and a farmer
10 submits a farm plan to a certifier who looked at the
11 farm plan, we would look it over and we see their plan
12 is very complete. It talks about their feeding and
13 their pasture for their cows. And they might have a
14 hundred cows and they're submitting a farm plan and our
15 team looks it over and they have two acres of pasture.
16 So our certification team looks at it, thinks about it
17 and decides that they're not going to approve that plan
18 and they send it back to the client.

19 What's the first question we're going to get
20 from that farmer when they get that determination
21 letter? Well, if two acres isn't enough, how much is
22 enough? And we're like well, you know, we kind of go
23 well, you know, we can't tell you that. We kind of try
24 to make it sound like it's reasonable. We can't give
25 you an exact number, though. And they say to us well,

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1 you don't know what the heck you're talking about. You
2 know, how can you run a program and not really give us
3 this kind of information? You know, how can you certify
4 some and not certify others? You know, we couldn't
5 really even tell them well, why don't you go to NRCS and
6 use their recommendations, because that would be
7 consulting, giving advice to overcoming an identified
8 barrier to certification. We've told them why they
9 weren't getting certified. We can't tell them then,
10 well, use the NRCS guidelines, then we'll certify you.

11 So I really want to explain to you that it's
12 very, very important that you continue to work on these
13 and it really does matter, you know, at that farm level.
14 And again, just to be clear, we know that we can -- it's
15 not enforcement and we can deviate and from those -- if
16 it's three cows per acre or 30 percent dry matter and a
17 farmer submits a plan to a certifier that is different
18 from that and has more cows per acre, then we don't --
19 we can't automatically deny it because it's guidance.

20 But what we can do is put the burden on them
21 to prove to us why do you think we should certify you
22 with four cows per acre because of your management plan
23 or your rainfall, what it might be, and if they have
24 come back to us with a good reason, then our
25 certification team can accept it. So there's built-in

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1 flexibility, but it gives us something to give to the
2 farmers so that they can work on their farm plan and
3 they can continue to be in the program.

4 On Section 301(c), "made with" -- your
5 proposed change for, rule change for the "made with"
6 category, I really want to thank you for clearing up
7 that confusion over, you know, whether or not organic
8 and non-organic ingredients can be in the same product
9 -- non-organic and organic forms of the same ingredient
10 can be in a "made with" product. That's great and I
11 thank you for that. But I will ask you to think about
12 working on some guidance on what does "same ingredient"
13 mean? If we have a tomato sauce and 70 percent of the
14 tomato sauce is Roma tomatoes and 30 percent of the
15 tomato sauce is another variety of paste tomatoes, what
16 does that mean? Are they the same ingredient or not?

17 Another example might be pretzels that have 70
18 percent white wheat and 30 percent red wheat. Okay. Is
19 that the same ingredient or not? And you know, some
20 people may think that's a clear answer, but believe me,
21 I'm asking you now because that's probably going to be
22 one of your next Q and A's in the pipeline. Oh. No, I
23 thought you had an answer for me there.

24 MR. MATHEWS: I do have an answer for you.

25 MS. ZOOK: Do I get more time on my --

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1 MR. MATHEWS: We have actually ruled on this
2 issue in the past when it comes to hops in beer. And
3 there were two varieties of hops, one -- and what
4 happened was the person claimed hops and we told them,
5 no, that's not approved because you're using organic and
6 non-organic hops. And he said well, but they're
7 different varieties. And we said okay, name the variety
8 and tell us which one is organic. So if they're -- we
9 don't look at two varieties of tomatoes as being the
10 same thing so long as they're differentiated on the
11 label.

12 [Simultaneous comments]

13 MS. ZOOK: I guess that --

14 MR. MATHEWS: But you can still --

15 MS. ZOOK: Okay.

16 MR. MATHEWS: And we can get it out --

17 MS. ZOOK: Yeah, there could be a variety
18 difference, there could be color differences within a
19 variety and I'm not a scientist so I don't know how it
20 all works out, but I think at some level we should know
21 whether it's the same or not. And on the Q and A
22 process, I know it's frustrating and it may seem like
23 it's really painfully slow, but it is very important.
24 Again, what you're doing here relates right on down the
25 line to the farmer level and I really want the Board to

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1 understand that, because that's what happens every day
2 in our office. The client calls us and we're like,
3 well, we can't answer you, it has to go to our policy
4 committee. The policy committee thinks about it. Well,
5 we can't answer you. We've got to get some information
6 from NOP. NOP now has this opportunity to be able to
7 send it on to you. Now -- but really, what else are we
8 going to do other than -- besides having a whole bunch
9 of different questions? There could be answers all over
10 the place from different certifiers and different, you
11 know, staff.

12 So the Q and A is a great thing and I do
13 encourage you to continue it. And the reason I ask on
14 this proxy is I come up here and I've got a lot to say
15 and I end up sort of dispensing with the you guys are
16 doing a great job, thank you very much, and I don't want
17 to use up any of my five minutes to say that, so -- but
18 I want -- we really do appreciate it, and the certifiers
19 especially really appreciate the communication between
20 the staff and the NOSB and this whole public process
21 because it's really the only way we can do our job, to
22 have this information from you. And it has been a long
23 meeting and a very good one. Thank you.

24 CHAIRPERSON RIDDLE: Thanks, Leslie. We
25 always recognize proxies for that purpose. Dave?

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1 MR. CARTER: Yeah. Just two real quick. One
2 -- and I appreciate your comment on the staggered terms,
3 because that's one of the things we're looking at. The
4 problem is we got a little bit of difficulty with OFPA
5 because it does specify that the Secretary can only
6 appoint for five years, but we're looking maybe if
7 somebody goes off the Board, you know, early or
8 something like that, they'll start at least with the
9 staggering, because I think that's a good approach. And
10 then on the other thing, I guess, with the organic and
11 non-organic ingredient, one of the things that we --
12 that I guess you need to look at on that, do those two
13 ingredients have different functional -- like the two
14 different types of hops, because almost by definition,
15 organic and non-organic for different varieties of --
16 you know, of the same thing, so --

17 MS. ZOOK: There are a lot of questions like
18 that that come up when we start to discuss that and
19 that's why I'm asking if you guys can put some guidance
20 on it. I did forget one thing. I totally agree with
21 Joe Dickson's comment on the certifier label on the
22 private label product. What he was talking about is
23 really the best way to go about it and if we can get
24 that fixed so that can work because otherwise, you are
25 going to have the retailer put -- have products out

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1 there with all these different types of seals from
2 different handlers that actually just co-pack for them
3 and that's a nightmare.

4 CHAIRPERSON RIDDLE: Okay. And I think Rick
5 has a comment on the staggering Board members.

6 MR. MATHEWS: Yeah.

7 MS. ZOOK: It's that poor nutrition that's
8 really contributing to the staggering.

9 [Simultaneous comments]

10 MR. MATHEWS: Well, it was like at 12:30 last
11 night when I was taking the photographs, so I'm not sure
12 if it's nutrition. But anyway, just joking. The -- we,
13 too, recognize that there's a problem that has developed
14 over time with the staggering of the Board members and
15 actually, this may be the perfect time to address that
16 as we get ready to move forward with six nominations;
17 five that will expire at the end of -- well, on January
18 24 of 2006, plus one that has just resigned for personal
19 reasons.

20 With six of them coming up, we could go back
21 and look to see how we might stagger those six positions
22 so that we can kind of even this out a little. I don't
23 think that we would get to a three per year, but we
24 could at least try to get to a point where we've got
25 less than four or five, less than five. And some years

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1 where we have none, we could get some into those years,
2 which would definitely help out. I don't feel that we
3 can do that on our own.

4 And Dave's right, the -- the statute says the
5 first Board will be staggered and after that it's
6 five-year appointments. I will say that, in light of
7 recent events, it's always prudent to be careful about
8 doing things outside of the statute. But if it was the
9 sense of this Board, if you could -- if you had a
10 recommendation coming forth to us, we could take it to
11 the attorneys and see if we couldn't stagger the next
12 appointments. And to me it's kind of like a voluntary
13 thing, too. We could ask people to volunteer to serve
14 shorter terms or something. There may be some way that
15 we can do this. But I think that, first of all, we've
16 heard from the public, we've heard from the Board, and I
17 think there needs to be a formal request to the
18 Department to try and solve the problem.

19 CHAIRPERSON RIDDLE: Dave.

20 MR. CARTER: Great, one more item for the
21 Policy Development Committee.

22 CHAIRPERSON RIDDLE: Add it to your work plan.
23 Okay, thanks. Okay. And I have -- and he has started
24 the timer -- some comments submitted in writing from
25 David Granatstein, Washington State University Center

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1 for Sustaining Agriculture and Natural Resources, and it
2 pertains to research on certified organic land at
3 universities, so it's directly relevant to one of the
4 work plan items. And I'm not going to read the entire
5 thing. The copy is available for the record, and I
6 would ask that it gets scanned and then provided to both
7 the Policy Development and Crops Committee for
8 consideration.

9 Some of the concerns that Professor
10 Granatstein has encountered: the testing of products for
11 use in organic systems, just what is eligible for
12 consideration for research purposes and how those
13 products can be used on a certified organic or
14 transitional research, things that are not currently
15 approved substances. Second is experimental design and
16 specifically, being able to run conventional treatments
17 as baseline comparison alongside organic in replicated
18 studies. And then the use of certified or transitional
19 land and making sure that having that alongside the
20 conventional land doesn't mean that the organic or
21 transitional doesn't qualify. Once again, it's kind of
22 duplicative and I'm just summarizing his comments.

23 And then preventing loss of an experiment.
24 And here, researchers have pointed out a major
25 disincentive to conducting organic research, that being

1 the inability to rescue a trial about to be lost due to
2 a factor for which there is no immediately effective
3 organic control. Well, farmers have to face this, as
4 well. I don't know that there's any answer, but it's
5 something else for the committees to look at.

6 And we would like to propose several ideas for
7 your consideration on this matter as a possible
8 solution. Two approaches include: develop a variance
9 for research on organic land that would address that
10 concerns. Well, that exists in the regulation. We're
11 just trying to explain it better. Develop a separate
12 organic research land verification process -- I assume
13 separate from certification -- that would accommodate
14 the concerns and satisfy funding requirements without
15 conflicting the certified organic and transition rules.

16 In either case there should be a stipulation
17 that product grown under the organic research category
18 would not be represented or sold as organic. So that's
19 something for the committees to consider. So I'll give
20 that to Toni and if you could scan it in and then e-mail
21 it as an attachment back out to the committees, thanks.
22 Question? Yeah, Nancy.

23 MS. OSTIGUY: Yes. On that topic, I think we
24 ought to include organic research for livestock in how
25 we consider this, because there certainly are issues

1 there that one would hope that we'd be doing research
2 on.

3 CHAIRPERSON RIDDLE: Yes. And I would also
4 like to point out that that section of the rule mentions
5 products, ingredients, and it mentions production and
6 handling. So there could be -- you know, and there
7 certainly are universities and private companies doing
8 research and you know, expanding organic handling
9 options. So it might be -- we certainly don't want to
10 focus only on the production side to the exclusion
11 they're boxing in the handler side, as well. Okay, next
12 up is Cissy Bowman, and then Michael McGuffin. Then we
13 only have two more after that.

14 ***

15 MS. BOWMAN: I'll try to keep this short. I
16 don't have a lot to say. I'm Cissy Bowman. I am the
17 CEO of Indiana Certified Organic, a private certifier.
18 I'm also a certified organic farmer. I'm on the board
19 of Beyond Pesticides and I'm chairman of the Indiana
20 Organic Peer Review Panel, which is working on a
21 statement for the program at this time.

22 First of all, I want to welcome all the new
23 people to the Board and thank all of the people who have
24 been with this for so long and the people who are going
25 off that have shared their time. This is going to be

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1 long, hard job for you guys. Do depend on the people
2 who have history with this and I know that there are a
3 lot of people, especially the ones that stay here until
4 the last minute of these meetings, they're here. I've
5 been coming to these meetings since 1994 and they'll be
6 here. Please talk to us and I know everyone's willing
7 to share their opinions with you, for better or worse.
8 I want to say -- especially thank for your generosity
9 with time to the farmers, and thank you, Richard, for
10 your comments to them. I have always wished more
11 farmers came to these meetings. It's difficult and it's
12 wonderful that they were respected so well.

13 I also -- I'm just going to kind of ditto a
14 few people here, on what Leslie just said, Lynn, Leanna
15 -- gosh -- Jay Feldman and Dave Engel, Brian Baker,
16 ditto on everything that they just said, all right? And
17 what do I want? Okay. I really want two things. I
18 want to not let the differences that are being paraded
19 today with everything that's going on to divide this
20 community. This is a special thing, it's a very special
21 thing, absolutely miraculous what's happened with
22 organics and I don't want to open up OFPA. That scares
23 me so much, it really does. I believe, like Jay said, I
24 think we can work on some of these issues with labeling,
25 and I've got some ideas and I'll go put them in writing,

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1 but I really think we can fix this.

2 Yesterday we talked about waxed boxes. I have
3 a new one for you, just for the future, I don't expect
4 any answers. Can you use wax to dip a duck that's going
5 to be organic? I've got clients asking me that. I
6 don't even know how to classify the wax in this case,
7 but inquiring minds want to know. Wax for dipping ducks
8 so you can pluck them. And another alternative is in
9 lye, which has also -- I've been asked about that.
10 Apparently, Old Bally's Hogs Gall [ph] makes a good duck
11 dipping solution. I'm serious. I have had a lot of
12 conversations over this and it's one that we need to
13 struggle with, because we're -- at this point in time we
14 are -- we are limiting the growth in the organic duck
15 industry. Pardon? I have faith that this -- that
16 what's going on, what challenges today is not going to
17 stop us. It's not going to -- I hope it does not ruin
18 what we've achieved in these however many years? Since
19 1990 we've been working on it.

20 This community industry or business, whatever
21 you want to call it, was built on folks who wanted to
22 prove that the impossible could be done, and we will, we
23 have, together. There's no difference between us.
24 That's a democratic process, and the public input as
25 farmers, consumers, regulators, et cetera; that we

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1 cannot meet and overcome. The future is ours if we
2 continue to fight for what organic means. Thank you.

3 CHAIRPERSON RIDDLE: Hugh and then Bea.

4 MR. KARREMAN: As far as dipping ducks, it's
5 new to me, but I'm just thinking of my farmers in
6 Lancaster County that do a lot of home processing of
7 poultry and they're certified organic and they -- I do
8 believe they're represented as certified organic free-
9 range poultry. So I don't know -- but you might want to
10 find out or I can try to find out.

11 MS. BOWMAN: Any contacts that you can give
12 me. I have talked to one person who says that they have
13 a mechanical process that works. I'm not advocating
14 wax, I'm just saying --

15 MR. KARREMAN: Yeah.

16 MS. BOWMAN: -- it's an issue -- it's a hard
17 one because what is -- is it a process? It's not an
18 ingredient, you know what I mean? It's just -- it's a
19 difficult question. So anybody who knows anything about
20 it, send them to me, please. I would love to try to get
21 this answer.

22 CHAIRPERSON RIDDLE: Bea?

23 MS. JAMES: Would you mind formally submitting
24 that question to the NOP and make sure that you specify
25 that it's a petroleum base?

1 MS. BOWMAN: Okay.

2 MS. JAMES: Petroleum-based wax.

3 MS. BOWMAN: It's a paraffin wax.

4 CHAIRPERSON RIDDLE: Hugh.

5 MR. KARREMAN: A quick thing on that. Mineral
6 oil is okay for topical use and that's paraffin.

7 CHAIRPERSON RIDDLE: Well, you can contribute
8 to the answer. Okay, is that it? Yeah, Michael
9 McGuffin, and then next up, Pete Gonzalez.

10 ***

11 MR. MCGUFFIN: Good morning. My name is
12 Michael McGuffin. I'm the president of the American
13 Herbal Products Association. I have communicated with
14 this Board and the Policy Development Committee, as well
15 as with NOP, in writing on more than one occasion and
16 I'm here this morning to make the same points that I
17 have made in writing and to urge the Board to help me to
18 clarify the dietary supplements that contain herbal
19 ingredients, which are defined as a subset of food under
20 federal law, are clearly within the scope of the NOP.
21 And I appreciate very much the opportunity to address
22 you and also the presence of NOP staff here.

23 Members of my trade association grow herbs and
24 sell herbal products. To the best of my knowledge, all
25 of our members who are growers are certified organic

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1 growers. Several of our members who market herbal
2 products use these organically grown and produced herbal
3 ingredients in their products and market their goods as
4 organic. For example, certified organically grown
5 Valerian root is extracted and certified organic grain
6 alcohol. The resulting tincture, Valerian tincture, is
7 clearly an organic product. When my members read what
8 the NOP has said about the inclusion of their products
9 in the National Organic Program, they're confused. NOP
10 has at times stated that dietary supplements are outside
11 of the scope of the NOP and other times NOP has stated
12 the opposite, acknowledging that dietary supplements
13 are, in fact, within the scope of the NOP. To add to
14 the confusion, all of the decisions that NOP has ever
15 taken on this issue have been withdrawn, so growers and
16 marketers of organic herbal products really don't know
17 what NOP's position is.

18 On the other hand, when my members read the
19 Organic Foods Production Act, there's no confusion
20 whatsoever. Though FDA defines an agricultural product
21 to be "any agricultural commodity or product, whether
22 raw or processed, that is marketed in the United States
23 for human or livestock consumption." This is very
24 clear. Valerian root tincture is an agricultural
25 commodity. It is processed in organic alcohol

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1 manufactured from organic grain and so also an organic
2 commodity. The resultant product and other dietary
3 supplements are clearly within the NOP's scope.

4 And we are not, by the way, asking for any
5 special treatment under the NOP. I read in the December
6 edition of the Organic Business News that a staff member
7 of the NOP has stated "that the NOP has no standards for
8 dietary supplements." This is not accurate. The
9 standards for dietary supplements are exactly the same
10 as the standards for all organic foods. There are other
11 similar subsets. Low-acid canned foods are foods and if
12 you want to sell a certified organic low-acid canned
13 food, we don't need separate standards, you just need to
14 conform to the existing standards. Manufacturers of
15 dietary supplements who conform to these standards must
16 be allowed to participate in the NOP.

17 The American Herbal Products Association
18 believes that the plain language of OFPA can only be
19 read to include these products within the scope of the
20 NOP. We hereby request this Board to revise its draft
21 scope document to reflect the fact that dietary
22 supplements are included in the NOP's scope and to do
23 whatever else you can in the way of advising NOP to
24 correct their erroneous interpretation of the OFPA as it
25 relates to dietary supplements. There is no principal

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1 argument to exclude these goods from the NOP's scope.

2 Thank you very much.

3 CHAIRPERSON RIDDLE: Thank you for your
4 comments. We'll certainly take them very seriously. I
5 think we're waiting on the official written response.
6 Our previous posting before then, we would, you know --
7 and we've spoken before. I acknowledged that in our
8 drafting last time, we lumped the herbal products in
9 with the personal care products and didn't distinguish
10 them as foods.

11 MR. MCGUFFIN: And the arguments would clearly
12 be different for personal care products. And I'm here
13 really just to argue about tinctures and tablets and
14 capsules from certified organic folks. Thanks very
15 much.

16 CHAIRPERSON RIDDLE: Thanks. Pete Gonzalez
17 and then Jim Pierce.

18 ***

19 MR. GONZALEZ: Thank you. I'm Pete Gonzales.
20 My current occupation is to serve the public benefit as
21 the executive director of a nonprofit organization,
22 Oregon Tilth. It's about 750 general individual members
23 who would like to thank the Board for their service and
24 welcome the new members. And also wish the best to
25 Katherine and her recovery. And also my final comment

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1 is that Oregon Tilth will be providing written comments
2 on numerous issues that have been discussed, but the 10
3 or 12 days notice is simply insufficient.

4 CHAIRPERSON RIDDLE: Okay, thanks, Pete. And
5 the clean-up batter here, Jim Pierce.

6 ***

7 MR. PIERCE: But not the least. Thank you for
8 that. Put that in the record. I'm Jim Pierce. I'm the
9 Certification Czar at Organic Valley. And I wish I
10 could speak without any notes at all. I see people do
11 that, but I'm always afraid I'm going to miss something,
12 so I like to speak with notes.

13 This will always be known as the NOSB meeting
14 that the farmers showed up to. You know, every one of
15 them has their unique flavor. I think the farmers left
16 -- that I spoke with, left here satisfied and with a
17 much better understanding of the process and the
18 difficulty of coming to a conclusion on these issues. I
19 think they were happy with the rule change that you put
20 in it on pasture, and that they were finally comfortable
21 with the guidance document going forward as guidance,
22 and not as official guidance, because I think, if
23 someone was to call the NOP and ask what is your
24 position on these new rule changes as they're moving
25 forward, they would say look at the guidance and public

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1 comment. That's basically our concurrence at this
2 point. We're going along with the NOSB. So I think
3 you're on the right track.

4 I also think -- I hope that we sent a very
5 clear message to the poultry industry yesterday that if
6 you get in the target, look out. You know, farmers are
7 adamant and passionate and they'll come out in force. I
8 really thought things were going extremely well
9 yesterday up until Barbara came in and sort of sobered
10 the whole moment. But we won't shoot the messenger. It
11 was definitely a wet blanket on an otherwise very
12 productive afternoon, though. And as meeting leader,
13 Mr. Chairman, you get an A plus. I think you've done an
14 excellent job of working through this extremely long
15 agenda. At one point we thought we were either going to
16 be here until midnight or Saturday and it was just a
17 matter of figuring which.

18 On methionine, we are very pleased with the
19 unanimous vote to allow methionine to continue for use
20 for another three years. And I'm just very pleased to
21 go back to our task force and sign on to that petition
22 and say that they are not only behind us in their
23 decision, but they are also very clear that this is now
24 a continuing allowance and we have some work to do.
25 Along those lines, I will -- I've already begun

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1 discussing with the OTA about setting up a separate task
2 force to deal with methionine. I think there'll be a
3 few adjustments on who's going to be on that task force
4 and we will be getting regular updates.

5 We really, as an audience, would've
6 appreciated a little more contention and less agreement.
7 The unanimous votes -- but then, of course, you didn't
8 get your calendar, your next meeting discussion is --
9 one of the things about rotating boards is that I can
10 use the same clichés after three or four years and they
11 sound fresh. One of them that I'd like to say is that I
12 am a staunch standards conservative, that I'm a lot more
13 of a materials liberal. And I think being a liberal on
14 anything right now is kind of a kiss of death, but I was
15 very pleased, as a materials liberal -- I don't mean I
16 want to see anything and everything added to the list,
17 of course not. But I'd really like to see any suitable
18 tool for organic processors or farmers to be added to
19 the list with as wide of an interpretation of use as
20 possible. I really don't like narrow annotations. I'm
21 really glad to see the ferric phosphate thing turn
22 around. At the beginning of this meeting, I thought
23 that was right on the wrong track, so it's come back --
24 so congratulations on that.

25 Being the last one up, you tend to have
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1 already seen things said before and I was -- I'd like to
2 think that I have the same good idea that Kim did, and
3 that is as you struggle with synthetic versus
4 nonsynthetic, look at the definition of processing.
5 There is a definition of processing in the reg and it's
6 my favorite one. It reads like poetry. But it also
7 includes a lot of words that indicate chemical change,
8 which is what this pivots on, baking, curing, grinding,
9 extracting. Extracting is the first section in that
10 document on chemical methods and the Chemistry 101, so I
11 think there's a lot of room to call something processed
12 without calling it synthetic and hopefully -- continue
13 working with the certifiers on things where they have
14 clear answers as retail certification question, I think
15 it would become a lot more clear to the certifiers.

16 Despite all the work you've done I see you've
17 got a very full agenda coming up. The work plans are
18 very full. I'm going to offer a couple things that I
19 heard yesterday. One is clarification on the livestock
20 about temporary confinement. You've elaborated that a
21 lot as it applies to pasture, but I think I heard a
22 request to go back now and clarify that as it applies to
23 the rest of the livestock. I have we're going to be
24 talking to you about the \$5,000 exemption as it applies
25 not to retail, but to crops and livestock. And then, my

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1 final thought, I really wanted to end by biting the head
2 off a moisturizer bar, but that's been done, too.

3 CHAIRPERSON RIDDLE: You can have the turkey.

4 MR. PIERCE: So I will end with this, it's my
5 standard benediction, which is thank you, God bless you,
6 Godspeed until we meet again.

7 CHAIRPERSON RIDDLE: Thanks, Jim. Okay, and I
8 -- yeah, Dave.

9 MR. CARTER: This isn't for Jim, but one of
10 the previous speakers brought this -- this would be
11 appropriate, Mr. Chair. I would like to make a motion
12 to direct the chair of this Board to send an expression
13 of our best wishes for a speedy recovery to Katharine
14 Benham on behalf of the Board.

15 CHAIRPERSON RIDDLE: Yeah, and I don't know
16 that we need a second and a vote on that. I'll actually
17 go you one better. I've got money to put on the table
18 here and in my closing remarks, I wanted to suggest that
19 any Board members who felt so inclined -- you're
20 certainly not pressured to -- but I kick in a little
21 money to send some flowers, suggesting \$5, but don't
22 feel obligated, at all. But certainly, we send her our
23 best --

24 MS. KOENING: I grow flowers. I know the
25 price of flowers -- \$10.

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1 CHAIRPERSON RIDDLE: \$10, is that suggested?
2 That's \$150 if all members put in.

3 [Simultaneous comments]

4 CHAIRPERSON RIDDLE: Okay, well let's not get
5 bogged down. We'll figure that out. A few closing
6 remarks and one is just in response to Jim Pierce and
7 you said that, you know, we have adopted a rule change.
8 I just want it to be clear in the record and for
9 everyone, especially the farmers that were here, the
10 Board has recommended a couple of rule changes, but you
11 know, they aren't enforceable until they've gone through
12 the whole notice and comment rulemaking process, so I
13 just want to be clear about that.

14 And I want to once again thank the commenters
15 today and on Tuesday for both the informative content,
16 which really helps us make informed decisions on your
17 behalf of recommendations, but also the respectful
18 manner that the comments have been offered. And I want
19 to, you know, take this opportunity to thank the NOP
20 staff, everyone at USDA who's working on the organic
21 program. You are understaffed, under-funded. I know
22 that, I can say that, and I think people should work to
23 increase the funding for this program so that we are
24 getting somewhere close to our fair share. But you're
25 doing a valiant job with limited resources and we do

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1 appreciate your efforts.

2 Once again, I'd like to thank outgoing Board
3 members and to thank the current Board members and
4 especially the new Board members for your input. It's
5 been -- you've jumped into, you know, the middle of a
6 fray, but it's that way every time. There's lots of
7 issues on our plate, but you've certainly done your
8 homework, come up to speed and offered some really
9 valuable input as the meeting's gone along, so I welcome
10 you and look forward to working with you and all the
11 rest of the Board. And our work's not done and we do
12 have the follow-through that I've already mentioned just
13 coming out of this meeting, but we heard very ambitious
14 work plans.

15 One thing I haven't mentioned is we do have
16 monthly Executive Committee calls and any Board member
17 is welcome to sit in on those calls, so that can be an
18 effective way of self-mentoring by listening in to those
19 calls, so you're welcome and we'll make sure that the
20 notices of those calls go out to all the Board members
21 with instructions on how you can listen in, essentially,
22 and join those calls.

23 I think, in the big picture, though, we do
24 have some, you know, large challenges ahead of us,
25 certainly, and we're all aware of those. And I would

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1 just repeat what I've said before, that we all see this
2 as an opportunity to work together in a deliberative
3 manner and to be inclusive and transparent in how we
4 move forward and that as we have new rule changes or
5 legislative changes, that we do our homework, get
6 together and reach consensus before anybody rushes off
7 for premature actions that could backfire and could harm
8 the very farmers that we've worked so hard to protect
9 and to protect the organic integrity in the process. So
10 one last thing, I would just like, while the Board
11 members are all here, before we run away to get a group
12 photo of the current Board for the record, so I close
13 with that. Are there any further motions? Andrea moves
14 to adjourn, Dave seconds, non-debatable, all in favor
15 say aye.

16 BOARD MEMBERS: Aye.

17 CHAIRPERSON RIDDLE: We're closed. Thank you
18 very much.

19 ***

20 [End of proceedings]

21 ***

CERTIFICATE OF REPORTER, TRANSCRIBER AND PROOFREADER

IN RE: National Organic Standards Board

HELD AT: Washington, D.C.

DATE: March 3, 2005

We, the undersigned, do hereby certify that the foregoing pages, numbered 1 through 135, inclusive, are the true, accurate and complete transcript prepared from the reporting by the reporter in attendance at the above identified meeting, in accordance with applicable provisions of the current USDA contract, and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the meetings, and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the meeting.

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